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**THE RELIGIOUS FOUNDATIONS  
OF INTERNATIONALISM**



# THE RELIGIOUS FOUNDATIONS OF INTERNATIONALISM

A STUDY  
IN INTERNATIONAL RELATIONS  
THROUGH THE AGES

*by*

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## P R E F A C E

THIS book contains, with some amplification, the course of lectures which I gave at Jerusalem in 1932 when the Weizmann Chair of the International Law of Peace in the Hebrew University was inaugurated. The course was given in Hebrew: and the Hebrew version will be published by the University Press. In the first lecture, which was designed both as an introduction to the Chair and a prelude to the course, I sought to show the place which Jerusalem has occupied in the movement for international peace, both in history and in idea. The main theme of the course was the influence of the different religions of the world on the furtherance of peace between nations and on the development of international relations and international law.

Of the man whose name is attached to the Chair, I would say here that I believe history will record him as one who not only piloted the Jewish vessel through an uncharted and often stormy sea for fifteen years with the greatest skill and with single-minded devotion, but as the man who brought fulfilment to the idea of the restoration of the temple of Hebraic culture to Jerusalem, and, by his enthusiasm and will, established a resting-place of the Jewish mind and the Jewish spirit which have wandered for nearly 2,000 years.

I adopted deliberately the historical approach to the subject, not only because that seemed appropriate to the inauguration of a Chair of the Law of Nations in the most historical city of the world, but also because I believe that it is apposite to our time. International law was regarded essentially by its early exponents, Grotius,

Wolff, Vattel, etc., as a philosophy of history. Going farther back, the Hebrew prophets conceived the idea of universal peace as the conclusion of their philosophy of history. And that conception persisted to the middle of the last century. One of the Classics on the subject, Laurent's *Histoire du Droit des Gens*, published in 1861, has an alternative title, *Études sur l'Histoire de l'Humanité*; and a large part of it deals with the teaching of the religions of the world. The author's professed aim was to follow the progress of mankind towards unity, which was the object of international law. He justified his theme against German scholars who attacked him for intruding theology in a work of international law. Leibnitz, he says, shall answer for him, the philosopher who declared: "Theologia species quaedam est Jurisprudentiae aeternim sumptae," and who included the decrees of the Councils of the Pope in his *Corpus of International Law*. Religion, as soon as it forms a Church, is a concern of the law of nations, since all ties which unite diverse peoples in a single association belong to the science of international relations, and there is no tie stronger than religion. Again, international law is the body of rules which govern nations considered as members of humanity, and religion throughout history is the strongest spiritual force which emphasizes that aspect of the nation. While Grotius and his Protestant successors regarded international law as a philosophy of history, a still earlier generation of Catholic Jesuit jurists had developed it as a branch of Christian ethics.

If we have moved far from the mediaeval idea that theology was the supreme science and law one of its instruments, yet the connection between law, theology, and ethics cannot be severed without loss, more particu-

larly in those branches of legal science which are concerned with the relations between nations. Mr. Gladstone remarked on one occasion that no man can be a perfect lawyer who is not a theologian; and although his own theological predilections doubtless influenced him in that judgment, he was in a line of authority worthy of respect. The attempt to formulate international law as a system of legal propositions, without taking account of the spirit which should inform them, has led to the present spectacle of statesmen and jurists multiplying conventions for preserving the peace without the will to peace or the understanding of peace between the peoples. The sanction of the law of nations must be either war or morality; and nations to-day, who have in agreement foresworn war, have not yet established the ethical foundation of their mutual relations. Our society, as Professor Arnold Toynbee says, is being ruined by sin. One of the profound political troubles of our age is that, while modern science has multiplied human contacts, and almost destroyed the old isolations of time and space which severed nations, little progress has been made in bringing international relations under the control of the moral law. The world is politically as well as economically interdependent; what happens to-day between, e.g., China and Japan profoundly affects the peoples and the States of Europe and America. And so long as the relations between countries are not controlled by moral principles, and the nations do not hold faithfully to their solemn compacts, they threaten to ruin the peace of the world. The religions of the peoples, which alike uphold certain moral principles and share the common ideal of justice and peace, offer the best foundation for that universal moral law which must be established if civilization is to stand.

Though dealing with the relations of all religions to international affairs, I felt justified at the University of Jerusalem in directing attention particularly to the influence of Judaism and the Jewish people at various epochs. And I have dwelt in the introductory lecture, and elsewhere, on the part the Jewish people may play in the development of the moral basis of international law and international relations. My conviction in this matter, though doubtless strengthened by the genius of the place, is founded on two essential facts, the universality of the religion of Israel and the international dispersion of the Jews.

My inaugural lecture at Jerusalem was given in an atmosphere of noisy interruption which was almost comically incongruous with the subject. I understood and can appreciate the reason of the protest. It seemed cynical to be talking of the international law of peace to the Jewish people who in Palestine are engaged in a struggle to maintain the right to build up a National Home, and outside of Palestine are almost everywhere struggling to preserve elementary human rights against constant attack. "Let us establish our nation," say a section of Jewish nationalists, "and then talk of international peace." While I appreciate their standpoint, I think it mistaken. The Jewish people cannot be a nation as the other nations. They must for ever hold aloft the international and universal ideal; and only in that way can they maintain their own strength and serve their purpose in the larger society.

At the first Assembly of the World Conference for International Peace through the Religions held at Geneva in 1928, the Chief Rabbi of England quoted a description by Walter Pater of the gladiatorial shows which were a

feature of Roman life in the first centuries of the Common Era, and the reflection of Marius the Epicurean that what was wanting was the change of heart that would make it impossible to witness them. An ethical religion coming from Palestine made that change of heart; and in our day, he said, it was the white heat of religious enthusiasm which was needed to bring about the change of heart that would reject war. It is the conclusion of my theme that in our day religion, or rather the co-operation of the religions of the world, must help to bring about the fulfilment of the prophetic conception of the reign of moral law in the affairs of States, which alone can be a firm foundation of the peace of nations.

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# THE RELIGIOUS FOUNDATIONS OF INTERNATIONALISM

## CHAPTER I

### JERUSALEM, THE CITY OF PEACE

JERUSALEM is the place to which half the world looks as the city of peace; and the law of nations derives a large part of its inspiration from the teaching of the prophets of Jerusalem. If ever there was a spot in which the genius of the place should help a votary of peace, it is on the Hill of Scopus, the Mountain of the Seer, on which the Hebrew University is rising.

The founder of the Weizmann Chair of International Peace which I hold believes that the necessary foundation of a lasting peace is the co-operation of all classes in the national society, and the co-operation of nations in the society of nations. That combination of peace within and peace without is an idea which has been proclaimed for all time by the Hebrew prophet, who in one outburst declared the ideal of social justice "to let the oppressed go free and to break every yoke"; and in another the ideal of Justice ruling over the nations, when "judgment shall dwell in the wilderness and righteousness in the fruitful field." Both ideals spring from the recognition of a common humanity. And the same idea is enshrined more prosaically in the Peace Treaties made at the end of the Great War, which include the Covenant of Labour, beginning with these words: "Whereas the League of

Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice."

Till very recent years the science of international law was divided into the law of war and the law of peace; and in fact the rules of war were the principal subject of its first great exponents, such as Grotius and Vattel. War in their days seemed to be the main activity of political society. In our day it is otherwise. The statesmen, the religious and the intellectual leaders of the world are making a desperate effort to outlaw war and establish world peace, realizing that either they must put an end to war or war will put an end to government and to civilization. As Professor Zimmern at Oxford has expressed it, the choice is between internationalism and monasticism.

Everybody instinctively feels that Jerusalem is a fit place for the study of the approach to peace between the nations. The problem of international relations is primarily a spiritual problem, and it is the word of Jerusalem which has moved man's spirit through the ages. Yet when Jerusalem first appears on the stage of history it is not a city of peace. It was a hill fortress of the Jebusites, almost impregnable, so that it was not captured by the Children of Israel on their original occupation of the Promised Land. By its geographical position it is cut off from the ways of commerce; and it has never been a centre of affairs.

We may recall that the Hebrew name Yerushalaim is a dual form; and some scholars have interpreted that form as a reference to the two centres of habitation on the eastern and western hills, Mount Ophel and Mount Zion, as they were distinguished at a later period. They

have suggested that the one was occupied by the Jebusites, and the other by the Hebrews till the time of David. Using a bolder interpretation, I should say that the dual form represents two contrasted characters of the city which have adhered to it from the earliest history, the city of war and the city of peace, or, to put it in another way, the national and the universal city. The prophets and the teachers of Israel envisaged Jerusalem as the capital of humanity, God's mountain to which all peoples should come up. And to-day Jerusalem in its essential idea belongs not to one or two peoples, but more than any other city in the world is a metropolis of mankind. Nevertheless, from the beginning of historical record to our own day, it has been also a scene of conflict. Urusalim, that occurs in the Tel el Amarna tablets which give us a picture of the land of Canaan in the fourteenth century B.C.—when it was an Egyptian protectorate—is threatened by the Habiri; and its Amorite chieftain writes desperately to his Egyptian overlord to send help. And, if it is correctly identified with the Salem whose priest Melchizedek came to bless Abraham after his victory over the League of Kings, Jerusalem is mentioned in the Bible for the first time in connection with strife. Yet if it has been destroyed many times and borne many sieges, if it has been fought for by many nations and races, if it has been the cause as well as the object of wars, it has been for 3,000 years the symbol of peace, and its name was interpreted by the Jewish religious philosopher, Philo of Alexandria, to mean the threshold of Peace. Let us see how it acquired this character.

The God of Israel, like the deity of all the peoples of antiquity, was originally regarded as the Providence of one particular people, Israel. And he was attached to a

particular country which was holy to Him and regarded as His property. "The land shall not be sold for ever, for the land is Mine" (Lev. xxv. 23), it is said in the law of Moses. He is a Man of War. He goes out to battle with the armies of Israel against the armies and the gods of their enemies. But from the moment of the foundation of the Temple of Jerusalem, a higher and profounder conception is apparent which is unparalleled in ancient history. David may not erect the sanctuary because he has been a man of war and his hands were stained with blood, and Solomon designs it not only for the people of Israel but for all mankind. "So that all peoples of the earth may know thy name to fear thee as doth thy people Israel" (1 Kings viii. 43).

That conception was deepened and universalized by the prophets of Israel who gave a message of peace and humanity in words that through the ages have been treasured as sublime vision, if they have not always inspired to action.

"And many peoples shall go and say: Come ye and let us go up to the mountain of the Lord, to the house of the God of Jacob. And He will teach us of His ways, and we will walk in His paths. For out of Zion shall go forth the Law and the word of the Lord from Jerusalem. And He shall judge between the nations, and shall decide between many peoples. And they shall beat their swords into ploughshares and their spears into pruning-hooks. Nation shall not lift up sword against nation, neither shall they learn war any more" (Isa. ii.-iv.; Micah iv. 2, 3).

In another passage the prophet laid down the conditions of the better ages to come, in words equally pregnant. "When justice shall dwell in the wilderness, and righteousness shall abide in the fruitful field. And the

work of righteousness shall be peace, and the effect of righteousness quietness and confidence for ever. And my people shall abide in a peaceful habitation; and in secure dwellings and in quiet resting-places" (Isa. xxxii. 17, 18). The prophets of Judah spread over the future, above the storms of the present, the rainbow of a vast hope, a radiant vision of a better humanity. The poets of other peoples of antiquity had a vision of world peace, but they placed it in a dim past and did not conceive it as an aim of the living society. What is peculiar to the Jewish seer is that he makes peace the fruit of the achievement of righteousness on earth, and makes the pursuit of that righteousness the national goal of the Jewish people, both within and without their own land. It is not to be brought about by some sudden intervention of God but by the continuous progress of man. Religion, which had been national for the Jews as for other peoples, must be universal. The prophets conceived the idea of a moral government of the world according to principles of justice, and surveyed in the light of that idea the history of Israel and other peoples. They made a moral interpretation of history the basis of their teaching. When justice rules the affairs not only of Israel but of all States, then will be the true peace. Their universalized religion opened a vista of internationalism for the Jews. Judea should be a third with Egypt and Assyria, the two mighty contending empires to the south and north; and all three would be at peace. It has been said that the Old Testament, in distinction to the New, is the soldier's Bible because it deals constantly with war; but it is to be remembered that it is also, more than the other, the statesman's Bible because it is concerned with the relations of nations and not only with the salvation of the individual.

In the same epoch as Isaiah and Micah lived, great religious reformers of the Eastern races were preaching moral reform, and insisting on peace as the basis of national life; the Buddha in India, Confucius in China, and a second Zoroaster in Persia. And in Greece philosophers like Pythagoras and Heraclitus were beginning to expound the mysteries of the universe. It is as though there were a revelation of ethical truth at one time to all humanity. Yet no other voice was so powerfully to move mankind as the voice of Jerusalem. The God of Israel becomes the universal God; and His people have the function to lead the nations towards truth and justice. They were to be a light to the Gentiles. Jewish missionaries preached that lesson through the pagan world, and in the guise of Greek poetry and philosophy conveyed it to the Greeks and Romans. Yet while the people in the Diaspora carried this message to their neighbours, the Jews in Palestine itself were engaged in strife, sieges, and fighting to maintain their religious independence first against the Seleucid and later against the Roman emperors. A teacher arose in the most troubled epoch who announced himself as the Messiah and heralded the age of universal peace and goodwill to all men. And he preached the principles "Love your enemies," "Resist not evil," and "He who takes the sword shall perish by the sword."

He had in his life few followers; and a generation later the Jewish nation was plunged into a terrific struggle for its existence. The might of Rome prevailed over the right of the Jews. Jews were forced to fight for what they regarded as still dearer than peace, their right to worship God in their own way. For that they sacrificed for a long age their city, their sanctuary, and their mission. The

temple of humanity was razed and Jerusalem ceased to exist. But if the legions could raze Jerusalem, they could not destroy Judaism.

The site of Jerusalem was occupied by a Roman garrison-town—Aelia Capitolina—and its inhabitants were pagans. The temple of Jehovah was replaced by a temple of Jupiter. The ideal Jerusalem was withdrawn to a city in heaven; but the Jews never lost their conviction that God would bring them back to the city on earth to fulfil their purpose. They made two further desperate attempts to restore Jerusalem, and failing, submitted. Peace reigned in the Roman Empire for centuries, but they knew that, though it broke down the barriers between peoples, it was not a true peace. It was imposed by force; and as one of the Roman historians wrote of his nation—"They make a desolation and call it peace." Or, as a modern historian has put it, the ancient world only found peace when it lost freedom.<sup>1</sup> The tranquillity was founded on the crushing of the national spirit by a universal denationalization based on law, but not on a living law. The Jewish teaching of a higher morality, of charity and of peace, was spread through these centuries to an ever-growing mass of people both by the Jews themselves and by the followers of the creed which had sprung from Judaism and Jerusalem just before the national disaster. That creed finally prevailed over the empire, but as it prevailed it was attenuated and contaminated. The Voice of Jerusalem became dim, and the voice of Rome overpowered it. Instead of humanizing the empire, Christianity became an imperial power. As Lord Bryce says<sup>2</sup>: "The Church professed to christianize the world, but in effect the world secularized the Church."

<sup>1</sup> E. Bevan, *Our Debt to the Past*.

<sup>2</sup> *Studies in Democracy*, Book I, ch. ix.

The two universals of the Christian Church and the Empire of Rome, which were born in the same epoch, were first rivals and then allies. The Emperor Constantine who sealed the alliance, making Christianity the imperial religion, and who was hailed as "the universal bishop," brought, it is said, the nails of the Cross from Jerusalem, and turned them into his war-helmet and the bit of his war-horse. And on the triumphal arch in the Roman Forum which proclaimed his victories he declared that he avenged the Republic by just arms. So were the pacifist principles of the Gospel modified to suit the needs of the State.<sup>1</sup>

A story is told in a Christian chronicle that the three Magi who came to offer adoration to the Saviour at his birth brought with them to Palestine as a present a globe of Alexander the Great made of golden coins of all the conquered countries. When the Child cast his eyes upon the globe it turned immediately to dust. The homily is clear. The world-government, to which the Roman Church aspired, was not in accord with the teaching of the founder of Christianity, who said, "My kingdom is not of this world"; and its achievement was purchased by a debasement of that teaching. While the early Christians would not fight or resist evil with force, the Vice-Regent of God on earth who filled the See at Rome first authorized, and then urged, Christians to fight for the Empire. For St. Augustine in the fifth century, Jerusalem was "the vision of peace," and peace was still the final good; but the Kingdom of God is not of this world, and men should fight in a just war.<sup>2</sup> It

<sup>1</sup> So to-day, in the centre of the War Cemetery on Mount Scopus in Jerusalem, there stands a stone cross on which the iron sword reposes.

<sup>2</sup> *De Civ. Dei*, Bk. 15, ch. 12.

was significant that the seat of Imperial Christianity was not Jerusalem but Rome, the city of might rather than the city of righteousness.

Jerusalem indeed regained her proper name in the Christian Empire, and part of her functions as a hearth and metropolis of religion. But the Jewish people were still denied the right of living there; and they were eventually driven by a jealous religious tyranny out of Palestine. From the seventh century the city was to be again for a long period a centre of strife and violence between empire and empire, between creed and creed. Persian Zoroastrian, Byzantine Christian, and finally Saracen Muslim fought for her possession, each claiming to have the truth.

The new universal creed of the Muslims, which too had sprung in part from the teaching if not from the soil of Jerusalem, carried, like Judaism and Christianity, a message of humanity and brotherhood to peoples and regions which had hitherto been rent with faction and strife. Spreading in the seventh and eighth centuries over the Oriental and Mediterranean lands, it enlarged in one direction the realm of peace, *Dar El Salam*. It brought too to an intolerant priest-ridden Orient, groaning under a rule that sought to crush out freedom of religious belief and enforce uniformity by the sword, a large measure of tolerance for the Peoples of the Book. But in the hands of converts from Central Asia it acquired the desire for imposing by force of arms the victory of its tenets, and so led on to another epoch of wars fought in the name of religion. For a period after the Muslim conquest Jerusalem was a holy city of the three religions, where Muslims, Christians, and Jews could live side by side and worship God each according to their tradition.

Later, however, the will to victory and the exclusiveness of the two religions which aimed at the conquest of the world asserted itself and the rival beliefs in a universal god induced universal war. The Christians crying "God wishes it" fell on the Muslims crying "God is great."

Jerusalem itself became a principal source of strife; and the places connected with the life of the Prince of Peace were the immediate causes of the wars between Cross and Crescent. Each creed deemed the city holy, but vindicated its holiness by arms. There were again kings of Jerusalem as warlike as the kings of Israel and Judah, and the claimants to the kingdom multiplied as the prospect of regaining it died away. The struggle between East and West, between Muslim and Christian, distracted the world for five hundred years. The Saracen invasions of Europe, the Crusades, the wars between Turkish Sultans and Byzantine emperors, between Spanish kings and Moorish caliphs, are aspects of that long struggle. The idea of the city of Jerusalem was a binding and peacemaking force in Europe in that it knit together Christendom and checked the feudal strife of kings, barons, and priests; but it knit them for external and religious war.<sup>1</sup> Yet, as a recent historian of the Crusades has shown, the Vision, though seldom seen steadily and perhaps never seen whole, was none the less a saving ideal.<sup>2</sup>

One of the earliest schemes of a League of Nations

<sup>1</sup> One of the touching incidents of the struggle was the Children's Crusade at the beginning of the thirteenth century, when thousands of boys and girls, responding to the call of passionate priests in France and Germany, set forth to redeem the Christian sanctuary. Their faith and prayers were to do what the arms of the Templars and Hospitallers could not achieve. None reached the Holy Land, and those who crossed the sea were sold into slavery.

<sup>2</sup> Ernest Barker, *The Crusades: in the Legacy of Islam*, 1931.

was written at the beginning of the fourteenth century by a Frenchman, Dubois, round the theme of the recovery of the Holy Land. Nearly fifty years earlier St. Louis of France had died in the Desert of Tunis leading the last of the Crusades—which in the thirteenth century were waged in many places besides Palestine—and with his dying breath exclaiming “Jerusalem, O Jerusalem!” The original motive of the Crusades lived on to inspire the conception of a Christian commonwealth of peoples. Almost every plan for European unity or a league of nations, from the time of Dubois (1300) to the days of Kant (1800), had as its basis the need of common action against the infidel. The idea of the recovery of the Holy Land even inspired those bold navigators who set out from Europe, at the end of the fifteenth century, to find a sea passage to the Indies. Since the land routes were shut the Christians would navigate to the east, and take Islam and enter Jerusalem from the rear. So Columbus and his men wore the cross; and thought sincerely that they were embarking on a religious enterprise—for the sake of Jerusalem.

Reeling under the blows inflicted by the different upholders of universal truth, the actual city of Jerusalem was laid waste by hordes of invaders from the Farther East, and for another spell lay derelict and neglected. She was still, even in that lowly position, the symbol of a better age to come to mankind, so that the translators of the English Bible called England “our Sion,” and an English poet could write

I will not cease from mental fight,  
Nor shall my sword sleep in my hand  
Till we have built Jerusalem  
In England's green and pleasant land.

But her voice was not heard for a long interval in human councils.<sup>1</sup>

In the nineteenth century the lesson of tolerance and religious freedom had at last been learned both in the East and West, and mankind was beginning, howbeit painfully, to heed the teaching of science, which confirmed the teaching of religion, that it formed one family, and to realize that the different creeds were diverse forms of truth. One last war, nevertheless, was to break out in that century on account of religious passions at Jerusalem and of the Holy Places of Christianity. The Crimean War, of which the immediate cause was the embittered feeling between the Orthodox and the Roman branches of the Church, failed to settle the question of the Holy Places; but led to the admission of Turkey into the Society of Nations, and thus broke down the barriers which circumscribed the field of international law. Hitherto that law had been restricted to the powers of Christendom; now it was to embrace the States of Islam, and before the end of the century the States of the Far East. The idea of one law to govern all nations had begun to come to fruition; and the first important international association for the development of that law adopted as its motto the words "*Justitia et pace*," following the maxim of Isaiah that the foundation of peace is justice.

It had come also to be recognized that the world

<sup>1</sup> The Christian States of Europe were engaged in internecine strife in the name of religion. It was a struggle no longer between two universal creeds, but between branches of the Christian Church, of which each claimed to carry on the Hebraic tradition. The Puritans, in particular, went into battle singing songs of Zion. And at the end of the eighteenth century Voltaire remarked that in spite of the great books of the jurists on the rights to the Kingdom of Jerusalem, the city belonged to those who have no concern with those books.

society is composed of all men of goodwill who are conscious of a common humanity, without discrimination of religion.

If, however, the rule of law was extended, the ideal of universal peace and of justice ruling the nations still eluded humanity, to the end of the century. In its very last year the Tsar of Russia, the successor of that Tsar who at its beginning had planned a holy ordering of the political affairs of Europe on the basis of Christian principles, summoned a conference of all States to discuss disarmament, and succeeded at least in inaugurating a system of arbitral tribunals to judge the differences of the peoples. Among the motives of his action was the book of a Polish Jew, Jean de Bloch, called the *Future of War*, which is said to have had greater influence on the relations of nations than any book since Grotius wrote his *Law of War and Peace*.

But the spirit of national acquisitiveness and international suspicion was still abroad, and it prompted a series of wars in Europe that culminated in the world tragedy of the war of 1914-18. A feeble gleam of another outlook was vouchsafed from Jerusalem during one of the minor struggles. Soon after the outbreak of war in 1911 between Italy and Turkey over the question of Tripoli in Africa, a letter signed by all the religious heads of the communities in Jerusalem was published to the world in these terms:

Jerusalem, the metropolis of religions and the cradle of salvation, justice and right, so dear to all hearts, and so hospitable to all souls which seek refuge in her holiness, turns her eyes towards all the Powers, and raises her voice to humanity to claim international support against the arbitrary and unprecedented act of Italy.

Jerusalem again was becoming conscious of her destiny as a world-city.

The letter had no practical effect; but it is interesting to note the comment upon it which appeared in one of the international law journals at the time. "Jerusalem seems to wish to usurp in the spiritual world the role which used to belong to the Pope and to Rome. That ancient religious metropolis has lost her independence; and the Semitic metropolis in spite of the antiquity of her history lacks still the moral authority to speak to the society of nations."<sup>1</sup>

The voice of Jerusalem was heard indeed more powerfully in those anxious years which preceded the great conflagration, not from the inhabitants of the city, but from the growing chorus of Peace Societies and associations of international friendship and co-operation which the new world-order fostered and required for its existence. Men were groping to the recognition that the conquest over time and space by modern science should bring with it, for the peace and well-being of mankind, the recognition of a single moral law and a common humanity which was above race and nation. It was one of the minor but tragic ironies of those fateful days in 1914 that a conference of all the Christian Churches, other than the Roman Catholic, assembled at Constance the very day after the declaration of war between Russia and Germany, for the foundation of a World Alliance for Promoting International Friendship through the Churches. The Congress held its sessions despite the outbreak of war, and passed a resolution declaring its fundamental principle.

Inasmuch as the work of conciliation and the promotion of amity is essentially a Christian task, it is expedient that the Churches in

<sup>1</sup> See Clunet, 1912, *Journal de Droit International*, p. 998.

all lands should use their influence with all the peoples, Parliaments, and Governments of the world to bring about good and friendly relations between the nations, so that along the path of peaceful civilization they may reach the universal goodwill, to which Christianity has taught mankind to aspire.

During the same month as this conference met at Constance a Roman Catholic Conference was to have met at Liège in Belgium. But that town was beleaguered and the conference could not be held.

War, as the greatest of the Greek historians declared, is a forcible teacher; and the horrors of the war roused the religious conscience more effectively than at any moment since the Reformation broke the unity of Western Christendom, and drove it to make a sustained effort to realize what was implied in the brotherhood of mankind. The bitter experience of four years taught that a world-war meant a "moratorium of ethics," and a recurrence might mean the destruction of civilization itself. Statesmen and all persons of good intention pondered how the teachings of the prophets of Jerusalem could be implemented in the affairs of States, realizing that wisdom comes from the great simplicities. Man is to-day a citizen of the world, and must recognize himself as such, and break down the walls of partition between the nations.

Jerusalem was delivered during the world war from Turkish rule—or neglect. And a new vista was opened for the country when the declaration was made by Great Britain, in the midst of the hostilities, that she proposed to facilitate the establishment of a National Home for the Jewish people in Palestine, provided nothing was done to prejudice the civil and religious rights of the existing non-Jewish communities. The return of the

Jews to their historic home seemed to presage the beginning of the fulfilment of the Prophet's vision. That vista was fixed firmly on the political horizon when, at the Peace Conference, the Covenant of the League of Nations was made the pivot of a new international order, and the representatives of the nations undertook to maintain peace and seek a peaceful solution of any differences that might arise amongst them.

Jerusalem would have been sentimentally and ideally the fitting place of meeting for the Council and Assembly and the Court of the League. But though at the junction of Asia and Africa, it was not geographically near enough to the main centres of affairs; and Geneva and The Hague were preferred for this purpose. The late Sir Mark Sykes indeed suggested that Palestine should be the headquarters of an international police force, the instrument of the League, which would ensure maintenance of the world's peace. Such a use would hardly be in keeping with the history or the ideals of the country; but something more in accord with that character has been mooted in recent years. Since the League has been in operation, the need has become increasingly obvious for a spiritual union by the side of and supplementing the political union, to deepen the movement for understanding and co-operation, the pursuit of justice and righteous dealing, between States and races. The League, it is said, is to-day a body without a soul; and the soul may be nourished by a spiritual league. If such a union is realized, its proper habitation would be Jerusalem which the prophets conceived as a capital of the universal kingdom and which has been the principal source of spiritual influence on humanity.

The essential condition of peace is not so much the

perfection of the machinery of the League as the conscious will of the peoples. That will depends on the spiritual elements in our life. The root evil of the policies of the last century, which was the primary cause of wars, was a new form of idolatry as demoralizing as any of the old paganisms. It was the blind worship of the State and the disregard of the universal God and the cause of humanity. Religion became nationality in the empires of antiquity; now nationalism has become religion. The Jewish people who are the supreme example of an international nation, and created the idea of a just God ruling all peoples by a moral law, should be the standard-bearers of the cause of a higher and altruistic nationality which recognizes the supremacy of humanity. Forced for over a thousand years to devote themselves to the preservation of their race, their religion, and their doctrine, they may at last resume the task which their prophets gave to them of teaching an universal doctrine to mankind.<sup>1</sup> The task is the more urgent because in our day, throughout the Orient, the idea of nationalism, dormant for centuries, has aroused in the peoples an intense fervour, and tends to be combined with another importation from the West, materialism of thought. In the past the Oriental religions have been a more effective influence for peace than the Western, but to-day the prophets of the East combine—and almost supersede—their religious message with an ardent nationalism. So

<sup>1</sup> This seems a hard saying, especially at a time when the Jewish people, within and without Palestine, are engaged in a desperate struggle for existence. There are those who say that they must put aside for the time any universal function and first establish their National Home. Yet, as the famous Rabbi Akiba replied to the Roman general who, at another period of grave crisis in the second century, suggested that the Jewish State might be restored if only the Jews would give up the Torah, "The Children of Israel can live only in the Torah as the fish in the sea."

in the East as in the West it is imperative to organize the spiritual forces for peace.

The study of comparative religion, the general acceptance in East and West of the doctrine of evolution, and the growth of the historical sense, which is probably the greatest intellectual achievement of modern times, have together brought about a truer conception of the relation of the different religious creeds, and rid mankind of the curse of wars of religion. It is recognized that there is something true and divinely revealed about every world-religion; or, as it was put by a teacher of the last generation who lived and taught in Palestine, 'Abdul-Bahá Abbas: "The supreme gift of God to our age is the knowledge of the oneness of man and the essential unity of religions." Differences of religion may make impossible a world-state: but the principles of religion assist a world-union. It may seem ironical and unreal to say so in a place where points of difference between the Churches and denominations are constantly accentuated; yet it is true that in every religious communion men are looking for points of unity and emphasizing the common intention that underlies the diverse creeds. In the Society of Churches as in the Society of States there is a centripetal movement. The idea of a union of religions is taking definite shape. It has promoted a scheme for a conference of the religions of the world against war, for which preliminary meetings attended by representatives of all the great creeds have been held. It has promoted, too, the idea of a League of Religions for which a French social philosopher suggested Paris as the centre.<sup>1</sup> Yet he is sufficiently conscious of the Hebraic paternity of his idea to associate with it a mission for Israel.

<sup>1</sup> J. Izoulet, *Paris, Capitale des Religions; ou la Mission d'Israel*. Paris, 1926.

The Jews are the smallest in number of the principal religious bodies, a mere 15 millions against the hundreds of millions of Christians, Muslims, Hindus, Buddhists, etc. But it is the teaching of the Hebrew prophets which inspires the movement for peace in the Western nations; and the Jews who have taken the lead in the organization of social justice should take it likewise in a movement for spiritual co-operation in the cause of international justice.

A remarkable expression of the aspiration for spiritual union was put forward during the war by an English sociologist, and has a special interest for those who labour in Jerusalem. In a book called by the picturesque title of *Janus and Vesta*,<sup>1</sup> it is proposed that the universities of the world shall be federated, and that at the head shall be a world university. The author knew of the proposed university at Jerusalem, and he conceived that here would be found the world institution which he sought. "Dreams," he says, "must precede drama"; and if his scheme is in some measure fantastic—at the present stage—it is based on a fundamental truth that the academies of true learning form one of the important spiritual agencies of our time. Every seat of learning, it is said, is an organ of genuine internationalism. It strengthens the human spirit by knowledge springing from one source and tending to one universal good. If that general function of universities is realized, the special function of a university at Jerusalem in the cause of understanding between peoples and nations may be apprehended. And I may be excused if I dwell on it a little in connection with the subject of this Chair.

<sup>1</sup> Branford, B., *Janus and Vesta*. London, 1916.

The circumstances of the foundation of this University seem to mark it from the beginning for a special destiny. Its site, commanding one of the sublimest views in the whole world, and overlooking on one side the most historic city and on the other Nature's wonders, is a daily inspiration. The acquisition of that site during the stress of the war when Palestine was still under the Turkish rule, and the laying of the foundation-stones during the hostilities and within the sound of the guns, marked symbolically the determination of the Jewish people, on their return to the country, to foster the arts of peace, and to make Jerusalem again a centre of knowledge. The inauguration of the Hebrew University some seven years later, in the presence of representatives of learning from all parts of the world, indicated the recognition of that aim by the society of scholars, and held out the prospect that the new foundation should not be a sectional place of learning but a place where "the universal element of the human spirit should find self-expression" and be a link of Palestine with the world of science.<sup>1</sup>

We may then look to the Hebrew University of Jerusalem as the most striking living expression of the ideal of Jerusalem as the City of Peace. In particular, one of its most immediate purposes must be to establish fuller knowledge and understanding of the culture and literature of the Arabs among the Jews. In a broader aspect it may aspire to play the part of mediator between

<sup>1</sup> We may recall the message which was sent for the inaugural celebration by Luzzatti, a Jewish ex-Premier of Italy. "Here in the temple of science, lofty and pure as a temple sacred to God, the Children of Israel must raise their minds to the height of the ideal, drawing from it, together with a community of knowledge, political concord. Divided in creed and in philosophical beliefs, let them be united in the basic principle of liberty."

the East and the West. More than fifty years ago, George Eliot, interpreting the vision of the Jewish people restored to its organic centre, wrote: "There will be a community in the van of the East which carries the cultures and sympathies of every great nation in its bosom. There will be a land set for a halting-place of enmities." As at Cordova in the Middle Ages Jews and Arabs emulated each other in literature and philosophy, so may they emulate each other in the universities of the East. How admirable would it be if, in the universities of the Arab lands also, a Chair should be founded for the International Law of Peace.

Another and still larger synthetic function may be served by the revival of learning in Jerusalem, the harmonizing of the two branches of spiritual teaching, the one derived from the universities, the other from the religions. Since the Renaissance there has been a disturbing division between religion and culture. But it has been said that the discoveries of science are to-day one long Psalm to the divine greatness. One of the problems of our day is to establish the harmony between the scientific and the religious conceptions and, in political affairs, to combine with the scientific teaching of the unity of the human race the religious and intuitional consciousness of a common humanity. Part of that task lies within the scope of this Chair; the whole may not lie outside the effort of the University when it reaches its full stature and co-operates with the universities of the world.

If, then, we lift up our eyes to the hills and seek the vision without which the people perish, we may be inspired with the hope that in our generation Jerusalem may begin to fulfil again her destiny of guiding humanity

to peace both as a centre of religion and as a centre of science and the humanities. And we may utter with a fresh conviction the words of our Jerusalem poet: "Pray for the peace of Jerusalem; they shall prosper that love thee. Let there be peace within thy border and tranquillity in thy palaces."

## CHAPTER II

### THE PAGAN RELIGIONS OF ANTIQUITY

IN his history of the *Rise and Influence of Rationalism in Europe*,<sup>1</sup> Lecky remarks that the two principal moral influences to which man is subject have been religion and patriotism; and the separate modifications and the mutual interaction of these two forces may almost be said to constitute the moral history of mankind. The distinction, however, between religion and patriotism does not exist in antiquity when the two motives are inextricably bound up together. In antiquity also law and religion are one. For law, which was in the early stages custom, is derived from divine revelation. Law, in fact, is religion as applied to social, civic, and political life. The gods are deemed to be the creators of the law of the people, and any infraction of the law is a sin against them. The sanction of the law was its divine origin. The practices of the peoples of antiquity, therefore, with regard to peace and war were an integral part of their religion.

Religion was not only the primary source of law, but it was the primary influence in the development of national life. Human civilization began in "the fertile Crescent," the region that lies to the south-east of the Mediterranean Sea, between the Nile and Mesopotamia.<sup>2</sup> It is in the countries which we now know as Egypt, Syria, Palestine, and Iraq that the earliest records and monuments of political, social, and artistic life have been found; and in Egypt we can trace most

<sup>1</sup> Vol. II, ch. 5.

<sup>2</sup> See Breasted, J. G., *Conquest of Civilization*.

clearly the evolution of social, political, intellectual, and artistic institutions from a period of five thousand years before the Christian era to the present day.<sup>1</sup> The first dynasty of Egyptian kings is dated with some certainty between 3400 and 3200 B.C. It had been preceded by a long preparatory period in which the Egyptians sought for an effective social organization to afford security and regulate labour in the Valley of the Nile. There, as in all places where social and political institutions began to develop, the tribes or clans, fighting for their existence against other tribes, were gradually brought under the rule of one strong king. Tradition attributes the creation of political institutions to divine dynasties. The gods were succeeded by kings dwelling in Lower Egypt, and then by sovereigns of Upper and Lower Egypt combined.<sup>2</sup>

Herodotus, the Greek historian, recorded what was the current opinion of the Greeks, that the Egyptians were the most religious of men. Their social and political institutions were entirely bound up with the religious life. The Pharaoh was an embodiment of the godhead and ruled by his divine right. He is worshipped as the sole holder of the sacred force, and his official titles include the names of the gods of the country. Thus, from the time of the first dynasty, the king is called Horus the Falcon God; and the falcon is borne upon a shield going before the king in the pictures of royal victories and feasts. When the two kingdoms of the south and the north were combined, the gods of the two kingdoms

<sup>1</sup> The post-war excavations of Mr. Woolley at Ur of the Chaldees have revealed an earlier royal civilization than the Egyptian among the Sumerians, who founded a kingdom and developed religion, government, and art by the Euphrates before 3500 B.C. The discoveries include a royal standard which illustrates scenes of war and peace.

<sup>2</sup> See Moret and Davy, *From Tribe to Empire*. Kegan Paul, 1926.

were likewise combined, in the person of the Pharaoh, who becomes the incarnation of the Falcon of Horus, of Ra, of Osiris, and of Amon, that is, of all the king-gods who in turn ruled in Egypt. As Egypt came into touch with the surrounding peoples (in the second millennium B.C.), material and intellectual goods were freely exchanged, and the idea of international peace came into being. These other peoples had likewise developed a political and military civilization that knit together primitive tribes into powerful empires—the Sumerians, the Babylonians, the Hittites, and the Aegeans. Egypt was at that time recognized as the supreme power, and her neighbours looked to her as the leader of civilization. The diplomatic documents that have come down from the period, and record the relations between the Egyptians and the Hittites, contain such terms as “To be animated with a single thought,” “to have henceforth but one heart.” “The Concert of the East, it has been said, was historical fact fifteen hundred years before the Christian era” (see *op. cit.*, p. 295). Modern research has thrown light on the diplomatic and peaceful relations of these early empires, and carried back the history of international law by a thousand years.

The political union was combined with a common spiritual and religious union. The relations of the empires induced religious syncretism. Since the gods presided over all the acts of public life, the peace of the Orient meant that the gods of the several peoples laid aside their arms and concluded treaties. So Amon and Osiris were worshipped in Syria; Ashtoreth (Ishtar) and Reshef in Egypt. The Sun God, who was in Egypt Ra, was advanced to the position of the supreme deity of the civilized world, and his emblem, the solar disc with two

wings, was adopted by the kings of the Hittites, the Assyrians, and the Babylonians. One king of Egypt sought to carry a step farther the idea of an international universal religion. It was Amenophis IV, who about 1400 B.C. carried out a remarkable religious reformation. The solar disc, Aton, which was one aspect of the Sun God, takes the place of the many deities of the Egyptian Pantheon. The old royal god Amon and his priests are driven from the temples; and the king himself changes his name to Aken-Aton—"the favoured of the god." In one of the hymns of the new worship which have come down to us we read words which may be compared with passages of the Bible about the universal God of the Hebrews<sup>1</sup>:

How numerous are thy works.

Thou hast created the earth in thy heart; the earth with men and beasts great and small, all that existeth on earth and looketh on thee, which liveth in the air and flyeth on wings, the foreign countries of Syria, of Nubia, and the land of Egypt.

Thou settest each man in his place, creating what is needful for him.

All with their inheritance, their property, their languages, differing in words and in form.

O Divider, thou hast divided the foreign peoples.<sup>2</sup>

It was another aspect of the reformation that the king is no longer regarded as the incarnation of the god, but rather as his minister. For at the end of the hymn the king thus addresses Aton:

Thou art in my heart;

there exists none other who comprehendeth thee save I thy son.

<sup>1</sup> According to the date which is accepted for the exodus of Israel from Egypt—1450 or 1200, approximately, B.C.—we may surmise that the Mosaic monotheism influenced the Egyptian reformer, or vice versa. Recent excavation in Palestine suggests indeed the earlier date for the exodus. <sup>2</sup> *Op. cit.*, p. 298.

The reformation failed. The Egyptian priests and the Egyptian people would have nothing of the royal monotheism; and immediately after his death the divine dynasties of Amon and Ra were restored. His son-in-law who succeeded him was named Tutankh-Amon to mark the counter-reformation. The attempt also at international peace and "the Concert of the East" broke down. Syria and Palestine, which had welcomed the Egyptian overlordship, were invaded from the north, and the Egyptian client-kings and chieftains could not withstand the newcomers. The Tel El Amarna letters, the oldest international correspondence, that passed between them and their overlord in Egypt, record the break-up of the civilizing Egyptian power. In the words of the harassed Governor of Urusalim, sent to the scribe of Pharaoh: "All the king's land is rushing headlong to destruction." From within and without the allegiance and worship to a single god, whose minister on earth was the supreme Pharaoh, was disintegrating; and the Eastern world returned to the rule of separate kings upheld by separate and conflicting deities.

While civilization and the royal power were developing in Egypt in the third millennium B.C., another power, whose political and social life developed in the same way from the union of tribes and clans under one strong ruler, was making itself master of the neighbouring countries and conceiving the idea of a law to govern different peoples. It was at the end of that millennium that a great king arose in Chaldea or Babylonia named Hammurabi (2123-2081), who conquered the whole country to the borders of Egypt. He issued a code of law for his empire which is the oldest law-book that has come down to us. He ascribes the law to divine inspiration; and at the

head of the stele on which the laws are engraved there is a picture of the God dictating to the King the text which he is to transmit to his subjects. The stele was set up in the Temple of the great God Mardokh. In the prologue to the code the King says that he has been called by the gods:

To make justice prevail in the land, to destroy the wicked, and to prevent the strong from oppressing the weak.<sup>1</sup>

When the power of Egypt declined at the end of the first millennium before the Christian era, empire again passed to the rulers of Babylon and Chaldea. The empire of Shalmaneser and Nebuchadnezzar, like that of Hammurabi or the Egyptian Pharaohs, is dominated by the divinity of the victorious people; but it is a cruel and much less civilized divinity that loves to extirpate the conquered peoples and their deities.

Throughout this early period of civilization, however, when the peoples of the Orient are struggling for mastery, one idea is constant; the king claims to be and is recognized as the incarnation of the divinity. He realizes in his own person that mystical or religious unity which constituted the strength of the clan or tribe, and is enlarged again to form the tie between all the peoples of an empire. Alone of the Eastern peoples, Israel did not identify its king with its god.

In the religions of antiquity the gods are generally warlike; and their function is largely to assist in war the fortunes of a particular people. The deity goes to battle with the people. If they win, it is his victory and a sign that he is pleased; if they are defeated, it is a sign that he is angry and must be placated, by human sacrifice if

<sup>1</sup> *Op. cit.*, p. 217.

necessary. That is the belief which is presented again and again in the records of antiquity, pictured in the monuments of Egypt, inscribed on the tablets of Assyria, recorded in the epic poems of the Greeks and the Romans. The Moabite stone, found in Transjordan, from the period of King Mesha of Moab, who was contemporary with King Ahab of Israel, tells how Chemosh the god of Moab successfully fought against the people and the God of Israel. The story of the Trojan War, which is told in the *Iliad* of Homer, turns largely on the struggle between the different gods who supported the Achaeans and the Trojans. When the Achaeans are checked, their king is to offer his daughter as a sacrifice to placate the angry deities.

If a people is conquered, the gods of the victors are adopted by them. Often, too, the gods of the vanquished are received into the Pantheon of the victors, though with some modification to mark their subservience to the conquerors' deity. The excavations that have been made in recent years at Baisan in Palestine have shown how the Canaanite and Phoenician deities, Ashtoreth, Reshef, etc., were transformed by the Egyptian governors, and how temples of Egyptian style replace the early high-places of the Canaanites. The god of Tyre, Melkarth, becomes known after the conquest of Alexander the Great as Melkarth Heracles, and is worshipped with a combination of Greek and Phoenician ceremony. In the early history of Rome we find examples of the same kind. The curious ceremony by which the temple of Janus was opened in times of war and closed during the periods of peace appears to go back to some early syncretism of the gods of the two neighbouring tribes of the opposite hills, the Palatine and the Quirinal, who

originally fought against each other and then combined their forces. The two-faced statue of Janus stood in a passage between the two hills facing east and west. The opening of the temple during war perhaps indicated symbolically that the god had gone out to assist the Roman worshippers; and the shutting of the temple in peace—which was rare—that the god who was the safeguard of the city should be carefully preserved within the territory. Another interpretation, indeed, is that he is the god who watches to the right and the left, the prime defender of the group which dwells in the town, the village, and city.<sup>1</sup> The gods of each village and town were its guardians; and it was to the image of the invisible power that man looked for aid in adversity.

Among certain primitive peoples war was regarded as the only happy state, and peace was a degradation. This was still the attitude of the Goths and Norsemen when they came in contact with the Roman Empire in the early centuries of the Common Era. The gods Thor and Odin were essentially gods of war, and they were worshipped by constant fighting. Their religion was a religion of valour; and the reward of those who fell in battle was to go to Valhalla and to be engaged perpetually by day in slaying their foes, and by night in feasting to celebrate the victory.

Plato sums up the outlook of the ancient world, that war is the natural relation of every community to every other. As, however, people became civilized, there was a growing recognition of the blessings of peace and the miseries of war. Thus, while in Homeric times war is the supreme activity of gods as of men, in the poems of

<sup>1</sup> Grenier, *The Roman Spirit*, 1926.

Hesiod, composed some centuries later, about 900–800 B.C., we have already the picture of a golden age in the remote past when peace reigned supreme. Similarly, the Roman mythology includes a picture of a primitive idyllic state before iron and bronze were discovered, the Saturnian realm, where everyone was at peace.<sup>1</sup> When man began to develop the intellectual arts of life, music, painting, philosophy, literature, and social well-being, the destructiveness of war became apparent. The Hellenes, who carried to a higher degree than any other people these intellectual arts, were the first among the pagan peoples to develop the ideal of peace as an aim of society. Aristotle put that ideal in the form which has inspired—or misled—peoples till our own day: “We wage war for the sake of peace” (*Politics*, IV, 14). And the Greek mythology represented Peace (*Ειρήνη*) as the daughter of Justice (*Θέμις*), even as Isaiah makes justice the foundation of peace. It was the long struggle between Athens and Sparta, the two leaders of Hellenism in the fifth and fourth centuries B.C., which gradually impressed on the Greek mind the futility and the mischief of war. The poet Euripides represents most movingly the feeling against the cruelty and futility of war:

Our Euripides the human,  
With his droppings of warm tears.

It was not that war was regarded as contrary to religion, but that it interfered with the good life of the citizen.

<sup>1</sup> There was this element of truth in the idea that primitive man before the Bronze Age does not appear to have engaged in mutual slaughter. According to a modern school of anthropologists the primitive peoples are truthful, unaggressive, hospitable, and sympathetic to strangers. Man is essentially peaceful when free from artificial incentive to strife. See Eliot-Smith, *Human Nature*, 1927.

Thucydides makes the Athenian delegation say to the Melians, in the famous dialogue with regard to the domination of the stronger over the weaker peoples (Thuc., V, 105): "We do not fear the judgment of the gods, for we are doing nothing new. We know that men by the law of their nature will war when they can. We did not make that law, nor are we the first to follow it." So, too, when the Athenian host was defeated at Syracuse (420 B.C.), their fallen commander, Nicias, appeals to the gods thus, "Surely we have been punished enough. Other men before us have attacked their neighbours; at least we may begin to hope that the gods will be merciful."

It was then a rational idea, and not a religious ideal, which made the Greeks turn away from war and seek to find a basis of peace with the other Hellenic peoples. From an early period, indeed, in their development, it had been the custom to make leagues between city-states which shared the same religion and the same religious festivals. They were known as amphictyonies; and the most famous of them was an association of the States which worshipped together at the Great Oracle of Delphi. The members of the league undertook to follow certain rules of humanity in case of war with one another, and not to interfere with the religious rites and ceremonies of one another. Further, they undertook to submit to arbitration differences that arose between them.

In the heyday of Hellenic life, however, the most idealistic teachers did not rise to a conception of peace between all peoples, though Plato had a vision of one god, father of the universe, and of an ideal city of Peace, Atlantis. Outside the Hellenic circle, the nations were

regarded as barbarians, only fitted to be slaves (Arist., *Pol.*, I, 1, 5).<sup>1</sup> The law of humanity had no application to them. When, however, Alexander the Great, applying the idea of Hellenic superiority, conquered the East, a larger and more universal conception was brought into Hellenistic thought. It came primarily through the school known as the Stoics. There was no doubt communication of Hebraic, Persian, and other Semitic ideas in that philosophical school, which was founded at the end of the third century B.C. by a Phoenician teacher from Cyprus. Zeno combined with the Greek conception of a supreme reason governing all things the Hebraic idea of a universal deity and a common humanity. And so the Stoic school brought to the Greek world the new conception of a city of God, a world-city—Cosmopolis—in which all mankind were citizens and were entitled to equality because of their common citizenship.<sup>2</sup> Reason, or what was called "the law of nature," prescribes certain rules of conduct which are applicable to all places and times. The whole universe, as well as mankind, is the expression of a single principle of reason.

All but are parts of one stupendous whole  
Whose body nature is, and God the soul.

There is a duty of mutual service to the whole by each

<sup>1</sup> The same philosopher, who, be it remembered, was the teacher of Alexander, wrote: "War is strictly a means of acquisition to be employed against inferior races of men, who, though intended by nature to be subject to us, are unwilling to submit. For war of such a kind is just by nature."

<sup>2</sup> Socrates, who was condemned to death because he did not honour the gods of the State, is recorded to have declared that he was not an Athenian or a Hellene, but a citizen of the world (*κοσμοπολίτης*). (Plutarch, *De Exil.*, 5); and Diogenes, the Cynic, the predecessor of the Stoics, when asked of what city he was, made the same claim (Diog. Laert., 6, 6). Zeno himself taught that we should not live in separate cities, but regard all men as fellow-citizens.

of its members. The idea receives religious expression in the hymn of the Stoic Cleanthes to Zeus<sup>1</sup>: "Father of the Gods, sovereign deity who art invoked by many names and reigneth alone, source of nature, supreme law of the universe: to you all mortals must turn, for you are the father of all."

It is notable that Alexander the Great sought to realize in his empire the universal conception and to combine the various peoples who were gathered in his single sway. Plutarch says of him that

he believed himself to have come from God to adjust and reconcile the world, compelling with his arms those whom he could not unite by argument: he brought together elements from all quarters, and by mingling as in one common bowl of friendship men's lives and manners . . . , he enjoins upon all to regard the world as their fatherland; . . . so that the distinction between Greek and Barbarian was no longer to be marked by cloak or shield, but the mark of the Greek was to be virtuous and the Barbarian its opposite. . . . If the divine power which sent Alexander on earth had not speedily recalled him, the sunshine of one law would have looked down on all men, and they would have lived in the common light of one law.

The Stoic idea was a philosophical counterpart of the religious idea of the universal God and the universal law which had issued from Zion. But its votaries lacked the personal conviction and the intense feeling and consciousness of the Hebrew people that they had a mission to carry the teaching of humanity to others. It was rather a philosophical belief of the few, "the intelligentsia," than a rule of conduct of the many. Nevertheless, Stoic principles, blended of religion and philosophy, were to have an enormous effect upon international relations and international law. They were carried over from the Greek

<sup>1</sup> Quoted in *Stobaeus. Ecl.*

civilization to the Roman, when in the second and first centuries before the Common Era the Romans conquered the Mediterranean world, and captive Greece made her victors captive. The Romans were at once an eminently religious and an eminently legal people. Every action of life, as well as every force of nature, was regarded by them as controlled by a particular deity; and every rule of conduct was embodied in some clear precept of law. Their religious as well as their legal ideas were to have such an important influence on the development of Christendom, and especially of Christian Europe, that we must dwell on them a little further.

There was no distinction in the Roman mind between the sacred and the profane, between the spiritual and the material world. Every idea, every process of nature, every action of man, was represented by a deity to whom worship must be paid. The neighbouring peoples with whom the Romans fought had also their gods who must be worshipped in order to conciliate them. So when they went to war the Romans thought to win over the divinities of the enemy by appropriate invocation. When Decius devoted himself to save the State, he appealed not only to Janus, Jupiter, Mars, and Bellona, the Roman gods of war, but also generally to "the gods who hold power over us and our enemies." The religion of the Romans was purely utilitarian and not emotional; and its worship was essentially public. The Twelve Tables forbade the citizens to have gods in private or to worship gods not authorized by the State. Religion was controlled by the college of Pontifices, who were rather magistrates than priests. They are described by a Latin writer as the "judges and guardians of the things which pertain to worship and the religions."<sup>1</sup>

<sup>1</sup> "Rerum quae ad sacra et religiones pertinent iudices et vindices."

At the head of the college was the Pontifex Maximus, who inherited in religious matters the old royal power—that was abolished early in the history of the Roman State. He decided on the reception of new deities; and in the crisis through which Rome passed during the struggle with the Carthaginians, the Punic Wars of the latter half of the third century B.C., it was the Pontifex who introduced Oriental cults to save the city. After the victory was won, there was a reaction in the conservative Roman society against these Oriental creeds. As one of the consuls declared: "Nothing is more destructive to religion than foreign ceremonies."

In its earlier development the Roman law was derived from a religious source; it was the dictate of the gods, *Fas*, and it was guarded by priests. The relations between Rome and other cities and peoples were governed accordingly by definite religious rules, and watched over by a special religious body, the Fetiales. To this college of priests was entrusted the fixed and elaborate ceremonial for making war and peace, the conclusion of treaties, whether of alliance or commerce, with other States, the guardianship of the good-faith of the city, and any other international relation. The original law of the god, *Fas*, gradually indeed merges into the law made by human agency, which is *Jus*, or *Jus Civile*; but the religious sanction remained, and religious ceremonies were preserved till late in the history of the empire in connection with relations of peace and war. The Greek historian, Polybius, who has been called the second father of international history in the West,<sup>1</sup> writing in the second century B.C., remarked that the Roman constitution was pre-eminent in the interpretation of divine

<sup>1</sup> Walker, *History of the Law of Nations*, I, 51.

things: "What is blamed by others, to my mind is the mainstay of the Roman State, the superstitious fear of the gods" (II, 23).

The Jus Fetiale, this primitive international law, was administered by the religious college; and with that conservatism which was a fundamental part of Roman character, they continued for centuries the ceremonial of the primitive city of the Italian hills. The Biblical law in Deuteronomy required an offer of peace to be made before a city is attacked. The Roman law elaborated the same principle. There must first be an offer of satisfaction which is put into legal form by the Fetiales. An opportunity must be given to the other State to reply. After delivery of their claim the Roman envoys returned; and a period of thirty-three days was allowed for satisfaction to be given. If it was not forthcoming, the envoys were despatched a second time with an ultimatum. They reported the result of their visit to the Senate, and each senator then gave his opinion whether there should be war. If war was resolved on, prayers and sacrifices were offered, and the envoys made a final journey to deliver a solemn declaration of war, which was done by throwing a spear fitted with steel and dipped in blood into the enemy's territory. Frequently an appeal was made to the enemy's gods to leave their territory and come over to the Roman side. And before battle was engaged, another body of religious persons who were attached to the army and the fleet, the Augurs, sought by watching the action and flight of birds to ascertain the will of the gods. The Romans would not fight unless they had a favourable manifestation; but a war entered on with the proper formalities was a *Justum bellum*—a just war.

The Roman practice illustrates in its completest form

the connection of religion in antiquity with the relations of States. Similarly, when a treaty was made, the solemn compact was carried out with an indispensable ceremonial. The Bible gives us an example of early treaty-making in the story of Abraham dealing with Abimelech (see Gen. xxi.). The *Iliad* of Homer gives a similar picture of the procedure for making a covenant, ending with an imprecation. "If any break this pact, may their brains and their children's brains be dispersed on the ground like this wine" (*Il.*, 3, 268). The pact was sealed by oaths which gave it a divine sanction. The violation of the oath was an offence to the gods, who will execute vengeance. Good-faith, *Fides*, was deified by the Romans and provided with a temple. And the records of the treaties were likewise placed in the temple to be guarded by the deity.

The practice of Rome was not always indeed on a level with the theory. Nevertheless, the Romans had a higher standard of good faith in international dealings than other peoples of antiquity. For a long time, too, they were tolerant in religious matters; they made no attempt, like the rulers of the early Eastern empires, to impose their religion on the peoples they conquered. They allowed "free trade" in gods, encouraged the adoption of their deities by the client and subject peoples without imposing it and, save for the reaction noted above after the Punic war, readily received the foreign deities into the Roman Pantheon. Their practice began, however, to change after the foundation of the empire by Augustus at the end of the first century B.C. That step came as the culmination of nearly four centuries of warfare, when the whole Mediterranean world and even the military peoples of Italy were wearied of fighting.

Philosophy and the other arts of peace were modifying the Roman character and introducing new conceptions of the highest good, and the longing to establish a stable peace. The Stoic principles found the most favour in the world empire which the Roman city had become. The Romans nourished the conception of a universal State subject to a universal law; and they combined with the Stoic idea of the law of nature, which directed rules of conduct applicable to all peoples, and was derived from the supreme principle of reason, the idea of a positive law common to all nations, *Jus Gentium*, which had been developed by their jurists from the practices common amongst all the peoples included in the empire. At a later period they conferred on all their subjects one collective Roman citizenship which brought them all under the sway of this law. In this world State they imposed and kept the peace. Their greatest poet, Virgil, writing in the epoch of Augustus, amplifies the traditions of the Golden Age, and makes the Sibyl prophesy the return of an era of unbroken peace, like that described in the vision of Isaiah. The mediaeval veneration for the poet was based largely on this identity of his vision with that of the Hebrew prophets and on the belief that he had become a Christian. That he had contact with Jews who were actively proselytizing in his day is at least likely; and it is notable that the Jewish teaching which included the vision of universal peace was propagated amongst the Greeks and Romans in the form of pseudo-Sibylline oracles.

The Roman peace—*Pax Romana*—under which the diverse countries and peoples lived for some three hundred and fifty years, was imposed by the Roman Imperium; but it was invested with a religious sanction

which took the form of a worship of the emperors who were the supreme heads of the world State. That deification brought the Jews into armed conflict with the Romans; and in the end led to the destruction of an independent Jewish nation, of Jerusalem, and the temple. The Roman tolerance was lost in the imperial cult which sought to bind the peoples together by an imperial religion as well as by an imperial law.<sup>1</sup>

By the time that the republic was turned to an empire by Julius Caesar and Augustus, the old popular religion of the Romans had lost its hold over the mind and affection of the people. The Pontifex Maximus, Scaevola, whom Cicero knew in his youth (that is, in the beginning of the first century B.C.), could already declare, "There are three kinds of religion, the poet's, the philosopher's, and the statesman's. The first two are futile or positively harmful, only the third may be accepted."<sup>2</sup>

The utilitarian idea of religion still existed, and worship was an instrument of the State. One of the great measures of reconstruction by Augustus was to restore the popular religion, and to seek to give it the breath of life. For that purpose he marshalled not only the political and administrative authorities of the country, but also the poets, Virgil, Horace, etc. The effort could not succeed because that religion was soulless. He was himself a religious man, and he regarded religion as the basis of Roman power. It was not so much a means of government as the very expression and symbol of the authority of Rome. His conception is expressed by the Roman poet Horace,

<sup>1</sup> Shortly before the establishment of the Empire, Cicero, referring to Pompey's conquest of Judea, declared: "When Rome prevailed, her law and religion prevailed; for the fact that she was victorious proved that she had a superior religion" (*Pro Flacco*).

<sup>2</sup> See Grenier, *The Roman Spirit in Religion*.

who responded to his patron's bidding: "Own the goods for your masters, and establish dominion" ("Dis te minorem quod geris, imperas"). He became Pontifex Maximus as soon as there was a vacancy; and that office became part of the *imperium* of his successors. While he revived, on the one hand, the old Roman religion and sought to expel the Eastern worship, he allowed Eastern ideas, on the other, to permeate the religious restoration. We have seen that the idea of divine kingship was common to all the Eastern empires, from the foundation of the Egyptian kingdom to the empire of Alexander the Great and his successors. Such an idea was strange, indeed, to the Roman tradition; but Augustus allowed it to be introduced into his imperial scheme. The very name by which he was known was a title of the gods; and after his death he received apotheosis. The worship of the emperors became one of the bonds of the far-flung empire.

That institution was to have momentous consequences, not only on the relations of the Romans with the Jews, but on the history of civilization. When Christianity became the religion of the State, the Roman emperors still persisted in regarding the direction of religious matters as one of their essential functions; and when the Pope of Rome succeeded the emperor as the Pontifex Maximus, the tradition of divine power still clung about him.

By the side of the unethical imperial religion, a number of universal creeds flourished in the Roman Empire, personal cults like Mithraism and the worship of Isis and Osiris, as well as Judaism. The Christian heresy, though at first persecuted as anarchical and atheistic, gradually spread to all corners of the religion-hungry world. And among the intellectual circles the Stoic

philosophy held sway. It weakened the old racial polytheisms and upheld the sovereign claims of universal duty, thus giving a broader ethical basis to right conduct.

Cicero gives us a religious presentation of the Stoical Law of Nature in his book on the Republic:

There is a true law which is right reason, agreeable to nature, diffused among all men, constant, eternal which calls us to duty by its injunctions, and by its prohibitions deters us from wrong. . . . This law admits neither of alteration nor subtraction, nor abrogation. . . . We are not to look for some other person to expound or interpret it, nor will there be one law for Rome, and another for Athens, nor one at this date and another later. But one law shall embrace all races for all time, eternal and immortal, and there shall be hereby one common master and commander of all—God, who originated this law and proposed it and arbitrates concerning it; and if anyone obeys it not, he shall play false to himself, and he shall do despite to the nature of man, and by this very fact shall pay the greatest penalties, even if he should escape all else that is reckoned punishment.

And Marcus Aurelius, the Stoic Emperor of the second century, exclaims in his *Meditations*: "The poet speaks of 'Dear City of Cecrops' (i.e. Athens), but wilt thou not say, 'Dear City of God'?"

Here we see a basis of agreement between the philosophical approach, the Hebraic monotheism with its principles of righteousness, and the Christian teaching derived from those principles. But the idea of national or individual independence of the State system was repugnant to the Roman imperial and imperious mind. And so the Stoic aristocracy was insistently hostile to the Hebraic outlook. The Jewish nation, by its desperate resistance, successfully asserted, indeed, the right to maintain their national religion. The Christian communities during the three first centuries of the Common Era

struggled against the persecution of the State to vindicate the right of the individual conscience, particularly on the question of non-violence and the refusal to do military service. But the imperialism of Rome remained to the end incompatible with the development of an international law of peace.

What was lacking in the pagan religion and in the Stoic philosophy was an idea of humanity towards either a conquered enemy or a civil dissenter. The Roman poet spoke of the mission of Rome as "to introduce the realm of peace, to spare the conquered, and to war down the proud." But it was the last part of the mission which was the most regarded, and the old maxim still held to the end: *Vae Victis*; or again: "Adversus hostes aeterna auctoritas." The inaugurator of the *Pax Romana*, Augustus, claimed that he had spared instead of destroying the foreign nations that could safely be pardoned. But from the destruction of Carthage in 202 B.C. to the destruction of Jerusalem in A.D. 70, and the destruction of Palmyra in A.D. 270, Rome showed herself ruthless to any nationality which resisted her imperial will. The men who survived were sold as slaves, or made to fight in gladiatorial shows, and thrown to the wild beasts in order to make a Roman holiday. In the same spirit men and women, and even boys and girls of tender years, who professed Christianity were burnt at the stake because of their "obstinacy"; and a noble and philosophical emperor, one of the noblest of the pagans, Marcus Aurelius, could satisfy his conscience that the penalty was just.

In the latter period of the Empire, indeed, the ideal of unity and peace under Roman sway was again eloquently proclaimed just when that peace and unity

were to be shattered. The poet Claudius, writing in the last years of the fourth century, spoke of Rome as having received the conquered into her bosom like a mother and not as an empress, and protected the human race with a common name, summoning those she defeated to share her citizenship, and drawing together the distant races with bonds of affection. "To her rule of peace we owe it that the world is our home, that we can live where we please. Thanks to her we are all one people." And another poet of the same period summed up Rome's mission thus: "Thou hast made a city of the once wide world." (*"Urbem fecisti quod prius orbis erat."*)

When Christianity in that same fourth century superseded polytheistic paganism and imperial cult as the religion of the Empire, it combined in the new but imperfect union of the *Respublica Christiana* three elements, Hebraic monotheism, Hellenistic (or Stoic) cosmopolitanism, and Roman imperialism. Looked at in another way, the religion of humanity was tied to the logic of Greece and the law of Rome, and lost much of its original spirit in that association. Religion in the West was to be for a thousand years both universal and imperial. It had ceased to be national because national distinctions were merged in the one Empire, and the only nation which survived was the Jewish people.

## CHAPTER III

### JUDAISM AND THE NATIONS

THE influence of the Jewish religion on international law and international relations has been twofold. On the one side there are the rules contained in the Mosaic Law with regard to the conduct of war and the account of Israel's relations with other peoples; on the other side there is the teaching of the Prophets about the rule of the universal God and the ideal of universal peace. Both influenced the world largely through the two branches that sprang from the Jewish trunk, Christianity and Islam, which, in the third and seventh centuries of the Common Era, respectively, became the dominant temporal as well as spiritual forces in Europe and Western Asia. To understand this influence we must consider, in the first place, the development of the Jewish idea of God.

It was said by the French writer, Anatole France, that the God of Israel, like the Emperor Augustus of Rome, grew tender with age (*s'adoucit avec âge*). In the Five Books of Moses and in the historical Books of Joshua, Judges, Samuel, and Kings, the God of Israel is in certain respects like the deity of the other peoples of antiquity, exclusive and jealous. He is the tribal or national God of a particular people, Israel, and attached to a particular land, Canaan. So in the original promise to Abraham it is said:

I am the Lord that brought thee out of Ur of the Chaldees, to give thee this land to inherit it. . . . In the same day the Lord made a covenant with Abraham saying, Unto thy seed have I given this land (Gen. xv. 7, 18).

Or, again, in the renewed promise to Abraham:

And I will establish my covenant between me and thee and thy seed after thee in their generations for an everlasting covenant, to be a God unto thee, and to thy seed after thee. And I will give unto thee, and to thy seed after thee, the land wherein thou art a stranger, all the land of Canaan, for an everlasting possession, and I will be their God.

It is the God of Israel who drives out the older inhabitants of Canaan and displaces their gods and reserves the land for His people. So in the message which Jephthah sent to the King of the Amorites, he records the incidents when the children of Israel passed through the land in the days of Moses; and claims that Canaan is the land of Jehovah.

So now the Lord God of Israel hath dispossessed the Amorites from before his people Israel, and shouldest thou possess it?

Wilt not thou possess that which Chemosh, *thy* God, giveth thee to possess? So whomsoever the Lord our God shall drive out from before *us*, them will *we* possess (Judges xi. 23, 24).

In these books of the early history of Israel Jehovah, too, is "a man of war." He commands His people to extirpate the older inhabitants of Canaan and "to wipe out the memory of Amalek." And the Ark of God goes out with the Children of Israel to do battle against the Philistines. The story is told in the First Book of Samuel (chap. iv.) how after a defeat the people sent to Shiloh "to bring the ark of the covenant of the Lord of Hosts which dwelleth between the Cherubim." The Children of Israel made a great shouting when the ark came into the camp; and the Philistines hearing it and learning the reason were afraid, for they said: "God is come into the camp." Nevertheless they prevailed, and

the ark of God was taken and brought to Ashdod and placed in the temple of Dagon, the Philistine god. "And when the men of Ashdod arose on the morrow, behold Dagon was fallen on his face to the earth before the ark of the Lord." A calamity fell on the Philistines wherever the ark stayed; till they sent back the ark to the land of Israel together with a trespass offering (1 Sam. v. vi.).

The land of Israel is in the ownership of the one God of Israel, and it is on this principle that the law of the "Jubilee" is based:

The land shall not be sold forever, for the land is mine; for ye are strangers and sojourners with me.

And in all the land of your possession ye shall grant a redemption for the land (Lev. xxv. 23).

For four hundred and fifty years, according to the Bible record, Israel was a theocratic republic under the rule of their God, administered by judges who rose from time to time from the people to deliver them from oppressors.<sup>1</sup> Then, in the days of the Prophet Samuel (about 1100 B.C.), the people elected a king; but it is a striking feature of the Jewish development that the king is never deified or regarded as the representative of God.<sup>2</sup> He is simply the leader of the people in war and peace. The Kingdom of Judah endured some five hundred years, but throughout that period the theocratic idea was maintained. The kings could not make laws; for the law came from a divine revelation. And it is not the king but the prophet who is the vehicle of

<sup>1</sup> It was Josephus who first described the Hebraic constitution as a theocracy (*C. Apionem*, 2. 16).

<sup>2</sup> The same is true of the kings of the Hindu peoples: see below, Chapter VIII.

the revelation. Balaam said in his blessing of the Children of Israel: "Lo! the people shall dwell alone, and shall not be reckoned among the nations" (Num. xxiii. 9). Not only was the king of Israel unlike the kings of the other peoples, but the God of Israel, unlike the deity of the other peoples of antiquity, was the sole God of His people and not the supreme deity of a hierarchy. As it is said in the second commandment of the Decalogue:

Thou shalt have no other gods before me.

And the prophets of Israel inveighed against the worship of any other gods even by foreigners in the land of Israel. When King Ahab married a princess of Tyre who sought to introduce the worship of Baal of Tyre in Samaria and on Carmel, Elijah denounced him and slaughtered the foreign priests. Some approach to the notion of a single deity is to be found in the Egyptian Puritanism of Akhen-Aton, but it never became the prepossession of the people, as it did with Israel.

In the historical books of the Bible, the God of Israel is a jealous national God, reigning alone and requiring a higher ethical conduct of his people than any other religion of antiquity. The Decalogue contains the fundamental principles of that ethic; and the Mosaic Books harp constantly on the theme that Israel is God's Chosen People, appointed to carry out a special way of life. "Ye shall be unto me a kingdom of priests, and a holy nation."

A new note is sounded in the Books of the Prophets of the latter period of the Kingdoms of Israel and Judah, Hosea, Isaiah, Micah, Zachariah, etc. The God of Israel has now a twofold character. He is both national and

universal. He is still the God of His Chosen People, Israel, but He is also the God of the whole world who judgeth and guideth all nations. So in Isaiah it is said:

Behold, the nations are as a drop of a bucket, and are counted as the small dust of the balance: behold, he taketh up the isles as a very little thing (xl. 15).

It is he that bringeth the princes to nothing; he maketh the judges of the earth as vanity (xl. 23).

And, again:

Thus saith the Lord, the King of Israel, and his redeemer the Lord of Hosts.

I am the first and I am the last, and beside me there is no God (xliv. 6).

In Jeremiah God is King of the Gentiles as well as King of Israel (x. 7). And Malachi exclaims: "Have we not all one Father? Hath not one God created us?" (Mal. ii. 10.)

It is the universal God who causes the downfall of the Jewish kingdom itself because of the sins of the people; He who sends Assyria against Israel to be "the rod of His anger" (Isa. x. 5) and launches Nebuchadnezzar against Jerusalem to execute His judgment. Unlike any other national literature, the Hebrew Bible denounces constantly the sins of the Hebrew people. Other peoples saw the greatness of their gods in victory: the Hebrew prophets recognized the divine purpose in the fall of the Kingdoms of Israel and Judah.<sup>1</sup> "Political thought," says Professor Zimmern, "may be said to have originated with the Hebrew prophets, who were the first to rebuke kings to their faces and to set forth

<sup>1</sup> So Amos makes God say of Israel: "You only have I chosen among all the families of the earth. Therefor I will visit upon you all your iniquities."

the spiritual aims of politics, to preach righteousness and mercy as against power and ambition." But the denunciation is accompanied by the assurance of the final reign of justice and peace which it is the function of Israel to bring about. It is the Messiah, the King of the House of David the anointed of God, who is to usher in the Kingdom of God. In the vision of the better age which is to come, when universal peace shall be established on a basis of righteousness, all peoples are to come up to the mountain of the Lord in Jerusalem; for out of Zion shall go forth a universal law. God will be judge among the nations and they shall live at peace, neither shall they learn war any more (Isa. ii. 4). And again: "They shall not hurt or destroy in my holy mountain; for the earth shall be full of the knowledge of the Lord as the waters cover the earth" (xi. 9). So, too, Hosea foretells the day of the Lord when peace shall reign and Israel shall again be chosen: "And I will break the bow and the sword and the battle out of the earth. . . . And I will betroth thee, Israel, unto me for ever, in righteousness and in judgment" (Hosea ii. 18, 19).

The Prophet Zachariah has a similar vision. After the destruction of Jerusalem there will be a restoration: "And the Lord shall be king over all the earth; on that day there shall be one God and his name one." The Book of Ruth points the universalist moral that the Messiah Himself is to be a descendant of a Moabite woman who was the ancestress of David. The Book of Jonah, wherein the Prophet is ordered to go to Nineveh and call the people to repentance, is a plea for the universal outlook. And an ancient Rabbinical interpretation which tells that God wept on the day the Egyptians were drowned in the Red Sea, because of the destruction of so many

of His creatures, reflects the doctrine of humanity which superseded the older exclusiveness.

The national religion is internationalized. Judaism is in the minds of the Prophets a universal monotheism, and the Jewish people are a band of missionaries to spread that teaching. The "Laws of the sons of Noah," which include the fundamental moral principles, apply to all people. They are like the "laws of nature" of the Stoic School. What was a national cult is broadened into a universal creed which follows from the belief in one God ruling the world. That idea of Prophets and teachers becomes woven into the life and thought of the whole people. Their ardent vision becomes the ardent faith of the mass. It was not the doctrine of a small philosophical circle but the conviction of a nation; and the religion and the good life based on it are the absorbing pursuit of the people of Israel. They are to be the salt of the earth and a light to the Gentiles; to be among the nations what the Prophets were in the nation, a force making for righteousness; and they are to prevail not by might but by the peaceful way of proselytism. It is remarkable that there was a continuous religious development in Judaism for a thousand years, a succession of prophets and teachers that follow Moses down to the time of the destruction of the Temple. No other religion had a succession to compare with that.

The idea of the Messianic Age in Jewish tradition is not that the Children of Israel shall rule over the other peoples, but that the other peoples shall accept the law and wisdom of Israel. "There shall be no war and no hunger and no oppression; but all the world shall be full of the knowledge of God."<sup>1</sup> This vision of the Hebrew

<sup>1</sup> Maimonides, *The Laws of the Kings*, ch. 12.

prophets created an entirely new outlook on the relations of nations, which neither the imperial tyrannies of Egypt, Assyria and Babylon nor the free city-states of the Hellenes had conceived, a brotherhood of peoples recognizing one God and one law. Righteousness was to be universal; the moral law is as the laws of nature which makes things grow.

As the earth bringeth forth the bud, and as the garden causeth the things sown in it to spring forth, so God will cause righteousness to spring forth before the nations (Isa. lxi. 11).

The idea that the condition of peace was right dealing between *all* peoples, and not the government of peoples by *one* ruler, was an outstanding contribution of the Hebraic mind to political philosophy. The Greek thinkers laid down that justice must govern the affairs of the different Hellenic city-states; but they did not conceive of justice holding sway between Greeks and barbarians.

At the same time, the attitude of the Prophets before the captivity, and of Judaism after the restoration from the captivity, was *not* one of pacifism. Peace was a thing to be aimed at in the relations of the nations, but it must be established on righteousness and justice. Israel, too, must be free to observe its religious law and to carry out its religious mission. And the idea of the Messiah, the anointed of God, who was to establish the Kingdom of Righteousness, was bound up with the national consciousness and associated with deliverance from the oppressor. With the Prophets, as later with the rabbis who developed the Messianic conception under the stress of the long-drawn struggle with Rome, it combined patriotic feeling with a universalistic enthusiasm.

"The Hebrew prophets," says George Adam Smith,

“worshipped God in sympathy with their nation’s struggle for freedom and its whole political life.” They might denounce alliances with Egypt and with Syria, but they believed fervently and fiercely that the godless peoples should perish. They are enthusiastic for their people. Their international and universal outlook did not mean the repudiation of the national life and national freedom; and peace was not to be founded on any sacrifice of the religious separateness.

Throughout the Dispersion, as well as in Palestine, the Jews were conscious of being a chosen nation, and everywhere they stood out for religious independence. They were prepared to submit to a foreign ruler, whether Persian, Hellenistic, or Roman, provided that they could practise their religion undisturbed. But they were not prepared to submit to foreign rule on the terms of making any concession to polytheistic Paganism or any State creed. They would render to Caesar the things that were Caesar’s, but not the things of God. And they would fight to the bitter end for that right. It is characteristic, however, that for long they refused to fight on the Sabbath day, and they let Ptolemy in the third century and Pompey the Roman in the first century seize Jerusalem without resistance on that day.

For nearly four hundred years, indeed, from the return of the exiles to Jerusalem in the reign of the Persian Cyrus (536) to the persecution of Antiochus Epiphanes, the Hellenizer, (170) though Palestine was a battlefield in many wars, the Jews lived under a sway of religious toleration. It was in this long period of internal tranquillity that they became profoundly conscious of their monotheism and their mission. The little province of Judea had a theocratic constitution under

Persian political rule. The period of that Empire marks the beginning of the active mission to the Gentiles; and the ruling power facilitated their task. We have record in the Book of Esther that many of the people of the land became Jews (Esther viii. 17): and the papyri from the Island of Elephantine in Upper Egypt tell how Darius II allowed Jewish settlers in that distant Egyptian station to restore the House of God. There was an inner sympathy of the rulers with the small and already scattered nation.

The creed of the Persian and Median kings known as the Achaemenid Dynasty affords indeed a development of Oriental religion which approximates to the Hebrew monotheism. That Dynasty starts with Cyrus, the restorer of the Jews, who overthrew the empire of the Medes, and is continued by Cambyses, Darius, Xerxes, etc., from about 550 to 330 B.C., when their empire was overthrown by Alexander the Great. The indigenous religion of Persia is ascribed to Zoroaster who, about the same epoch as Moses, taught a form of dualism between the spirit of light—Ormuz—and the spirit of darkness—Ahriman. His teaching tended towards monotheism, and included the idea of a common humanity in which peace should reign. While dualism remained in the popular religion, the inscriptions indicate that the kings of this dynasty conceived a supreme god—Ahura-Mazda—who created heaven and earth and, like the Hebrew Jehovah, was a power making for righteousness. No attempt was made to impose this monotheism either on Persians or others; and an inscription of Cyrus from Babylon shows the King of Kings claiming to have restored the gods of Babel. It was the supreme contribution of the Persian Empire to civilization, "To

give the subject peoples their liberty, to tolerate their religion, and to administer them in a spirit which identified their welfare with that of the whole Empire."<sup>1</sup>

In contrast to the Assyrians and Babylonians who knew only the rule of unrestricted force and violence and the ruthless subjection of the conquered, Cyrus sought to establish a reign not only of order and peace, but of justice. Hence it is that the Hebrew prophet hails him as "the anointed of God."

God saith to Cyrus: He is my shepherd, and shall perform all my pleasure: even saying to Jerusalem—thou shalt be built; and to the temple, thy foundation shall be laid (Isa. xlv. 28).

Under the tolerant rule of the Persian kings, Jewish monotheism was developed and strengthened, both in the land of Israel and in the Diaspora of the Persian Empire which stretched from the Mediterranean to the Himalayas. The broad-minded policy of the Persian kings did not die out with their dynasty. Alexander the Great of Macedonia, when he conquered their Empire and set himself to Hellenize the East, adopted the principles of their statecraft.

<sup>1</sup> See *Ancient Persian and Iranian Civilisation*, by C. Huart (Kegan Paul, 1927). The later religious doctrines that came from Persia in the days of the Roman Empire were of a less exalted kind, but for a period exercised a popular influence. They are known as Mithraism; and they were a development of the Zoroastrian teaching which emphasized the idea of individual salvation through mysteries. The teaching, which was brought by the soldiers from the East, attained extraordinary popularity throughout the Roman Empire, particularly amongst the soldiery, and for a time was the rival of the Christian Mission. The victory of Constantine in the sign of the Cross was in one aspect a triumph over the creed. Julian the Apostate (A.D. 361–363), who wished to break down the power of Christianity, made a vain effort to substitute the worship of Mithra for what had become the official religion of the empire. Mithraism, however, did not exercise any lasting influence on the policy of the Roman Empire, and was gradually crushed out by Christian persecution.

"What the great king had wished to do from East to West, Alexander attempted from West to East."<sup>1</sup>

He sought to unite the two parts of his Empire in a common equality. The thought, the manners, and language of Greece must make their way over the Orient by their innate superiority and appeal, and by the policy of mingling the peoples in colonies, not by force or by repression of different cultures and creeds. Moved by a book of Xenophon, who held up the Persian king as a model to the Greeks, Alexander followed the principles of Cyrus; and he expanded the Greek city, with its limited tolerance of Hellenes, to the conception of a world-state with a broad and liberal acceptance of religious and cultural diversities. The favour which according to Jewish tradition Alexander showed to the Jewish people, both in their own land and in his new foundations in Egypt and Syria, flowed from his succession to the Persian polity. The Jews, as the upholders and preachers of a universal God, were favoured citizens of the world-empire.<sup>2</sup>

Alexander's policy was followed by his Hellenistic successors, the Ptolemies in Egypt, who for a century governed Palestine, and the Seleucids in Syria, who in 219 B.C. finally became masters of the land. At their two capitals, Alexandria and Antioch, the Jews were a powerful section of the populace; and if they Hellenized in language and thought, they spread their Hebraic monotheism vigorously through the newly acquired

<sup>1</sup> Huart, *op. cit.*, p. xv.

<sup>2</sup> Alexander himself, according to the story of Josephus, paid adoration to God in the Temple of Jerusalem (*Ant.*, XI, 2). And Greek historians of the time regarded the Jews as a sect of philosophers who had the same relation to other Syrians as the Brahmins had to other Indians (*Bevan, House of Seleucus*, II, 16).

culture. The Jewish tradition tells that Ptolemy II caused the Bible to be translated into Greek at Alexandria (Josephus, *Ant.*, xii, 2, 1). It was only when Antiochus Epiphanes, a half-insane monarch, broke away from the established principles of Hellenistic monarchy and sought to impose the Hellenistic gods on all his subjects, including the Jews, that the religious-national consciousness was roused to resist. Alexander himself and the Seleucids and Ptolemies accepted the deification which the Oriental peoples, except the Jews, regularly associated with kingship. An inscription proclaims Ptolemy V as "living for ever, beloved of Ptah, the God manifest, son of Isis and Osiris."<sup>1</sup> Thus he is a full successor of the Pharaohs of the early dynasties. But till the time of Antiochus there was no attempt to impose the imperial cult. The cement of their empires was formed principally by colonization of Greeks and Macedonians in the East. The coastland and valleys of Palestine were dotted with Hellenistic towns so that Judea was a little island of monotheism in a sea of paganism. The two fertilizing streams intersected as it were in Palestine; the Jews spreading out to all parts of the Hellenistic world, and the Greeks mingling with the Oriental peoples.

The Maccabean Revolt against the Seleucid kings during the second century B.C. was caused by the interference with the Jewish religious independence, at the request, indeed, of a Hellenist section of the priests. Two hundred years later, similar interference, again caused by an attempt to enforce the imperial cult, led the Jews to break out in desperate revolt against Rome in a series of wars extending over a century, from the

<sup>1</sup> Quoted in *The Roman Conception of Empire* by E. Barker in *The Legacy of Rome*.

time of Caligula to the time of Hadrian. The Jews, together with the rest of the peoples of the civilized world, had hailed with enthusiasm the establishment of the Roman peace by Augustus. In a striking passage Philo, the Jewish philosopher of Alexandria, who headed the deputation of his people to the Emperor Caligula, thus invoked the founder of the Empire:

Almost the whole human race would have been exhausted by mutual slaughter to the point of complete extinction but for one man and one leader—the great Augustus, who should have been called the “saviour.” He it is who delivered all cities to freedom, brought order from disorder, secured peace, and dispensed to each his portion (*Leg. Ad. Gai.*, para. 143; and cf. Josephus, *B. J.*, 2. 1. 6).

It is notable that Philo, who represents the culmination of the Hellenistic-Jewish culture in the first century, has as one of the main themes of his moral philosophy to show that the Law of Moses is identical with the law of nature of the Greek philosophers, and has universal validity. “As God Himself pervadeth all the universe, so hath our law passed through the world.” He and the Hellenistic Jews generally were ardent preachers of Judaism, which they represented to the Greek-speaking world as a system of humanitarian ethics. There was, indeed, a tendency in the more advanced section of Jewish Hellenists to separate religion from nationality, and that tendency passed into a fundamental doctrine of Pauline Christianity. Philo proclaims the coming of an age of universal peace not only for mankind but also in the animal world. At the same time the heads of the Jewish schools in Palestine were emphasizing the blessing of peace. In the famous chapter on ethics in the Mishna,<sup>1</sup>

<sup>1</sup> The statement of the “Oral Law” which was written in the first two centuries of the Christian Era.

it is said, "the world is founded on three things: truth, justice, and peace." And the last blessing of the daily prayer, which dates from this period before the destruction of the Temple, deals with the blessing of peace, and speaks of God as the maker of peace.

From the time, however, of the mad emperor Caligula, before whom Philo in vain pleaded that the Jews should not be forced to worship the God-State, the armed struggle with Rome was inevitable. As in the fight against the Hellenizing Antiochus, the Jews showed "endurance raised to the pitch of utter self-devotion and uncompromising fidelity to their ideal." In the desperate struggle the Jews lost their State, their city, and their Temple; but they finally won for themselves the privilege of religious freedom and became a *licita religio*. So long as the Empire remained pagan, they could practise and spread their religion, which was respected as a national worship. They conducted, in fact, vigorous missionary propaganda through the length and breadth of the Empire, from the Euphrates to the Rhine. They had been successful for the time in vindicating the right of religious liberty against the imperial autocracy.<sup>1</sup>

When the Empire became Christian in the fourth century of the Common Era, they maintained that right for a time; but soon the jealous and imperial policy of the Church and the desire for a unitarian State of Christendom, under which all peoples should adopt the uniform Christian law, induced an era of intolerance and persecution which remained under Christendom for nearly 1,500 years. The conversion of Christians to Judaism

<sup>1</sup> Anatole France puts into the mouth of one of his Roman characters, speaking of the exclusiveness of Judaism, the words: "It is not a *religion*, a bond which unites, but an *obligion*, a force which separates men."

was made a capital offence both for the convert and the Jew who converted. Ecclesiastical bigotry was combined with the tyrannical powers of the Roman Empire. The denial of religious freedom and of liberty of conscience was intensified in the Middle Ages, and culminated in the Inquisition of the fourteenth and fifteenth centuries which burnt Jews, Moslems, and heretics at the stake to save their souls. The evil passed over to the government of several of the nations which at the Reformation broke away from allegiance to the Roman Church. The Jews resisted all the attempts to persuade them or to coerce them, but at the cost of being cut off from the life of free citizens in Christian countries and being compelled to become a rightless national community. They were a Protestant nation, and their example had its effect upon the Nonconformist sects which, after the Reformation, strove for religious liberty and independence in Western Europe, and painfully but gradually vindicated that right.

The Jews during the long period of repression and exclusion were debarred from pursuing their mission which the Prophets had proclaimed for them. Their energies were concentrated on maintaining their religious and national being, and preserving inviolate their belief and their law of life. It was not till the nineteenth century, and then not in all countries in Europe, that they were able to take a part in the civil life of Christian States. But the acid of persecution kept their faith free from rust.

Their teachings of justice and humanity between nations were carried during the Middle Ages through the Bible into the thought, or at least into the ideals, of Europe. They were, however, little applied in political practice, especially after the collapse of the Papacy as the spiritual

sovereign. They had to contend with the doctrine that the moral law did not apply to the relations between States, and each State had an absolute right to pursue its own interests and might call on its subjects for service in war to that end.

The contribution by Judaism of the ideal and the vision has been of greater importance in the development of international law than the contribution of law itself. Nevertheless, the Hebrew Bible, the Old Testament, was one of the principal sources of the rules contained in the Canon Law of the Dark Ages and of the law of nations at the beginning of its development from the fifteenth century. At this later period it was in particular an authority for the law of war, which was still deemed to be the main part of the law of nations. A principal text for that aspect of the *Jus Gentium* was chapter xx in the Book of Deuteronomy which contains the rules governing the making of war by the peoples of Israel. It is remarkable that the Bible, unlike other ancient codes, contains definite rules on these matters. The first part of that chapter deals with the composition of the fighting forces. Any man who hath built a new house and not dedicated it, or who has planted a vineyard and has not yet eaten of it, or who has betrothed a wife and has not yet taken her, is to be dismissed from the host. It has been plausibly explained that the aim of these precepts is not so much humanitarian as to ensure the ritual purity of the army. The conquest of Canaan by the Children of Israel was a holy war, and only those who were free from any ritual impurity were to take part in it. The man betrothed, or the man who had planted a vineyard, but had not yet eaten of it, was subject to an impurity (Max Weber, *Das Antike Judentum*).

There follow the rules that war is not to be made until peace has been offered to and rejected by the foe, and the commands as to the treatment of the conquered.

When thou comest nigh unto a city to fight against it, then proclaim peace unto it.

And it shall be, if it make thee answer of peace, and open unto thee, then it shall be, that all the people that is found therein shall be tributaries unto thee, and they shall serve thee.

And if it will make no peace with thee, but will make war against thee, then thou shalt besiege it.

And when the Lord thy God hath delivered it into thine hand, thou shalt smite every male thereof with the edge of the sword.

But the women, and the little ones, and the cattle, and all that is in the city, even all the spoil thereof, shalt thou take unto thyself; and thou shalt eat the spoil of thine enemies, which the Lord thy God hath given thee. Thus shalt thou do unto all the cities which are very far from thee, which are not of the cities of these nations.

But of the cities of these people, which the Lord thy God doth give thee for an inheritance, thou shalt save alive nothing that breatheth.

But thou shalt utterly destroy them: namely, the Hittites, and the Amorites, the Canaanites, and the Perizzites, the Hivites, and the Jebusites; as the Lord thy God hath commanded thee.

That they teach you not to do after all their abominations, which they have done unto their gods; so should ye sin against the Lord your God.

In this passage we see the national God of Israel as the God of War; and the idea of a holy war against sinners became part of the doctrine both of the Catholic and Protestant Churches. The obligation to offer peace before making war is a part of the international law of the peoples of antiquity. It is elaborately worked out in the Roman law; but it was the Bible sources which most powerfully influenced the Christian jurists, and it became a basis

of their distinction between just and unjust warfare. The passage in Deuteronomy makes a distinction between the treatment to be given to the enemy in other wars waged after the conquest of Canaan and the treatment of the pagan inhabitants of the land of Canaan. The latter are to be utterly destroyed in order that they may not teach the Children of Israel to do after all their abominations. With the others, the women and children are not to be killed but taken captive. That distinction also is due to the conception of the war for Canaan as a holy war. The land was defiled by the wickedness of its old inhabitants (Lev. xviii. 25).

The wars against the Canaanite peoples are known as wars of command, *milchamat hamitzvah*, as distinguished from the other wars to extend the territory of Israel, which are *milchamat harishut*, voluntary wars, and could only be waged with the approval of the Sanhedrin. The rabbis have explained that the duty of offering peace to an enemy before making war applied as well to the wars of command as to the wars voluntarily incurred afterwards; and according to their interpretation the record in the Book of Joshua indicates that the leader of the Children of Israel offered peace before the hostilities began (xi. 19, 20).

Nachmanides (Ramban), a famous commentator of the thirteenth century, explains that Joshua sent three letters to the Canaanites before invading their land, proposing that those who were willing to leave should flee, those who would make peace should come in, and those only who wanted war should take up arms. The Gergashites went for refuge to Africa, the Gibeonites, by using a deception, made an alliance and remained; the thirty-one kings waged war and were slain with their peoples.

Grotius, the founder of modern international law, quotes this interpretation which he found in Maimonides (*De Jure Belli*, etc., Book 2, 13: iv, 2):

The divine law which devoted these peoples to destruction was to be so understood that it would hold good unless the peoples concerned should obey the commands made on being summoned.

The Biblical law in Deuteronomy is learnedly discussed by one of the most learned of the seventeenth-century English jurists, John Selden, who wrote a treatise on the theme of "the Law of Nature and of Nations according to the Hebrew doctrine" (1640). He quotes the passages of Maimonides and Nachmanides already referred to, and passages also from Josephus and Philo, designed to demonstrate that the Jewish people did not make aggressive war, or, as we should say to-day, did not make war an instrument of policy, but fought only for the preservation of their religion and the protection of their country.

The Jewish law of war contained certain humanitarian provisions which are found also in the law of other peoples of antiquity.<sup>1</sup> A city besieged was to be invested on three sides only, so as to allow an opportunity to the inhabitants to leave. The trees which gave fruit were not to be cut down and used for the purpose of the siege, for the tree of the field is man's life.

Only the trees which thou knowest that they be not trees for meat thou shalt destroy and cut them down (Deut. xx. 19, 20).

We find similar rules in the practice of the Greeks and the Romans. Another precept, which is more original, is for the provision of sanitation in the camp of the

<sup>1</sup> It is noteworthy that the Prophet Amos denounced the savagery of the wars of the pagan people, the Philistines, the Phoenicians, the Ammonites, and Moabites (Amos, chaps. i. and ii.).

army. For the camp is holy. (Deut. xxiii. 12-14.) (See Maimonides, *op. cit.*, Chaps. 2, 6, and 7.) That is another aspect of the principle that the war against the Canaanites is a holy enterprise, and those engaged in it must be ritually clean; and it is also an aspect of the principle of the Mosaic law which has been described as "sociology sanctified." For the good health of the army was a condition of success in war. A humanitarian principle which is not laid down in the Bible, but which is prominent in the Talmud, is the duty of redeeming Jewish captives.

The interest of the Jewish law of war is less on account of its effect on the practice of the Jewish nation than of its effect on the theory and practice of the Christian empire and of Islam in the Middle Ages. The argumentation of the Church Fathers and the Christian jurists about a just and unjust war which, as we shall see, was one of the fundamental problems in the early centuries of the Common Era, appears to have been founded in part on the chapter in Deuteronomy and the Jewish commentaries thereon. When the Christian Church compromised its original principle of complete pacifism with the Roman imperial standpoint that those who threatened the Empire or the unity of belief must be warred down, it seized on the distinction between the just and unjust war, and found authority for that distinction in the law of Moses. It is interesting that Saint Augustine, who laid down the philosophy of Imperial Christianity towards war, is the first to emphasise the distinction between the just and unjust wars, and refers in this connection to the Jewish "wars of command."<sup>1</sup>

<sup>1</sup> "Sed etiam hoc genus belli sine dubitatione justum est quod deus imperat; in quo bello dux, exercitus, vel ipse populus, non tantum auctor belli quam minister judicandus est" (*Liber Quaestionum*, VI, 10).

It is repeated in the *Decretum Gratiani*, the mediaeval code compiled in the twelfth century; and Thomas Aquinas in the thirteenth century, who frequently quotes Maimonides, makes the same distinction. Like Saint Augustine, he refers to the people of Israel as sent by God to be the executor of divine justice.

The law of Islam adopted more completely the Biblical law and the Jewish practice. Before entering on war, an offer of peace must be made, and the enemy people invited to accept the true religion or to pay tribute; if they were "peoples of the book," and paid tribute, they were not to be attacked. War was to be waged only against those infidels who would not submit or accept the fundamental principles of faith. The law also with regard to not cutting down fruit-bearing trees reappears. While these principles of the law of war were not peculiar to the Hebrew people, but were shared by them with other civilized peoples of antiquity, they influenced international law because of the authority of the Bible over the two universal religions sprung from Judaism that dominated Western civilization for a thousand years.

During that long period the Jewish people, though deprived of the outward form of national life, remained distinct and unmixed, consciously a nation among the nations, preserved by its religious law.

The Christian Father Athanasius, who lived in the fourth century at the beginning of the period of repression, said of the Jews: "They are the sacred school of the knowledge of God and of the spiritual life for all mankind." His words were justified by their history after his time, as well as by their history before it. And it is striking to compare with them the judgment of the philosopher who wrote at the end of the period of repres-

sion. Jean Jacques Rousseau, speaking of their survival, ascribes it to their religious loyalty:

C'est par là que cette singulière nation si souvent subjuguée, dispersée, et détruite en apparence, et toujours idolâtre de son règle, s'est conservée jusqu'à nos jours, éparse parmi les autres sans s'y confondre, et que ses mœurs, ses lois, ses rites subsistent et dureront autant que le monde, malgré la haine et la persécution du genre humain.

It was another Frenchman—Montesquieu—of the eighteenth century, the era before the dawn of Jewish emancipation, who spoke of Christianity and Islam as two nets thrown by the religion of Moses over the idolators of the West and the East in order in the end to bring them back to itself.

From the days of the dispersion after the Babylonian Captivity, the Jews have been of all peoples the most international; yet on the basis of a deeply marked Jewish consciousness. "Their internationalism is the exposition in terms of life's philosophy of a strong feeling for their national being" (Kayserling). They and the Armenians are the two outstanding examples of a nationality kept alive through the ages by the religious bond. For nearly a thousand years after the return from the Captivity they pursued their religious mission vigorously; first within the Hellenistic Roman Empire, and when that became impossible, in remoter lands. But from the second century of the Common Era they were without a national centre and a spiritual home, and their national life was consequently an inner life. Their mission was checked by the spread of Islam as well as of the Christian Church.

During the Middle Ages, which extended for them till the beginning of the nineteenth century, their role was essentially that of carriers, of culture and science as well

as of material goods. They dwelt in both Christian and Moslem countries; and so they were instruments for bringing Greek and Arab culture to mediaeval Christendom. Their religion kept alive their national consciousness; and that consciousness preserved their religion as a powerful social force among them. And they have steadfastly looked forward to a return to their old country, till in the latter part of the last century the rise of Zionism, which was based on the religious Messianic idea, renewed the aspiration for a national life. In the words of the English novelist who fifty years ago heralded the fulfilment of their ideal, they have an opportunity at last of reviving the organic centre and planting "a new Judea, poised between East and West, to be a covenant of reconciliation between the peoples." In their old home they may become a living example of an internationalized nation, rooted in one country but spread over many lands, and everywhere working for humanity; and they may carry on there and in the Diaspora the function which their Prophets proclaimed. And never was there greater need of that function. The Jew in the Middle Ages was the "first European"; the Jew of to-day or to-morrow should be the first citizen of the world, spreading from his centre the International of the Spirit, of which the dominant principles are the Fatherhood of God and the Brotherhood of Man.

## CHAPTER IV

### CHRISTIANITY: FROM THE ORIGINS TO THE REFORMATION

WE have seen that the ideal of the Hebrew prophets was universal peace founded on justice; and that ideal was preached by the Jews throughout the Roman Empire. It was to play an important part in the development of the religion which sprang from Judaism during the struggle with Rome. There has been endless controversy as to the true interpretation of the sayings of Jesus with regard to peace; and the sayings are ambiguous. He was, indeed, not directly concerned with civil affairs or the relations between States. He proclaimed a way of salvation for the individual, and did not design his teaching for the direction of the affairs of nations. But his sayings were applied later to those affairs. In some passages he seems to reject force absolutely. "Resist not evil. But whoever shall smite thee on the right cheek, turn to him the other cheek also" (Matt. v. 29). Or again: "Put up thy sword into its place, for all they that take the sword shall perish by the sword" (Matt. xxvi. 52). On the other side there is his saying: "He that hath no sword, let him sell his garment and buy one" (Luke xxii. 36). Or again: "I come not to bring peace but a sword" (Matt. x. 34).

There is no doubt, however, about the complete pacifism of the early followers of Jesus. They regarded him as the prince of peace: and they were awaiting the second coming which was to inaugurate the Messianic age of peace on earth and goodwill to all men. Many of

them withdrew altogether from civic and political life; and it was a fundamental part of their creed that they would not do military service or sacrifice to the Emperor. For this principle they were martyred in the days of the pagan empire: and even noble-minded emperors like Marcus Aurelius persecuted them on account of what they regarded as a disintegrating superstition dangerous to the State. They appeared to the ruling power like anarchists or communists appear in our day. The persecution grew in intensity till the time of Constantine, as the Christian teaching grew in power and influence. It was not till A.D. 313 that the Edict of Toleration was issued from Milan by which the Christian Church became a *licita religio*. The Empire at last recognized that it could not crush the creed, and it was about to make terms with it.

Two of the fundamental tenets of the early Christian communities were the repudiation of violence and the brotherhood of all men. On the one hand, they were bidden to love their enemies; on the other, free and bond, Greek and Jew, were equally Children of God and could enter into Christ's Kingdom. The Christian Church maintained its uncompromising opposition to fighting and military service for three centuries, until Christianity became the creed of the Empire. Origen, head of the Patristic School, who lived and taught at Caesarea, in Palestine, wrote at the beginning of the third century:

The Christians unlike the Jews are not allowed to fight their enemies. We draw not the sword against any people and we do not learn the art of war; after that Jesus came we are become the children of the peace. We do not march with the emperor into the

field even when he commands us so to do. We fight for him in that we form an army of our own, an army of piety and prayer.

Justin, another Father, wrote to the emperor Antoninus in A.D. 140: "We fight not with our enemies." Irenaeus, Bishop of Lyons, in the second century, says, "The Christians do not know how to fight" (*Nesciunt pugnare*). (*Adv. Haer.*, 4, 34.) Arnobius, writing in A.D. 305, declares that Christianity involves the abolition of the curse of war.

If all men would but lend ear to the saving and peaceful commands of Christ, the whole world, bending iron to a kindlier usage, would live in a sweet tranquillity, united by inviolable covenants of alliance.

Tertullian, the fierce missionary of the Church, who was himself son of a centurion, says in his book against idolatry:

How should a Christian be a fighter save as a soldier in time of peace without a sword? But of a sword our Lord has deprived him. Military service is a descent from the camp of light to the camp of darkness.

The first Latin Apologist of the Church, Lactantius, who is known as the Christian Cicero and wrote early in the fourth century, declared that a righteous man may not be a soldier because righteousness itself is his soldiership (*De Vero Cultu*, 6, 20).

The position of the Church was fundamentally modified when Christianity, after being a private—and illicit—community of devout believers forming brotherhoods together in all parts of the Roman Empire, and spreading their teaching by precept and example, was adopted by the Emperor Constantine as the State religion

and imposed as such on all the citizens of the Empire. The Emperor, after his victory over the legions of Maxentius, his rival for the throne of the Caesars, who had fought under the banner of the Sun, proclaimed that he had conquered with the cross as his sign ("In hoc signo vinces"). The "world's slow stain" spread: and the transformation began which was to turn a pacifist into a militant religion, so that, as Lecky says, it is doubtful whether, with the exception of Islam, any agency has been so fruitful of wars as the Christian creed.

The belief that success in arms was the best means of conversion of the pagans to Christianity led the heads of the Church to accept this new interpretation of Christ's teaching. The change in mind of the ecclesiastics in the fourth century is notable. The Council of Nicea in A.D. 325, the first assembly of all the Churches of the Roman Empire, could still declare: "Whoever being called by Grace, having first shown their zeal and faith, have abandoned the military profession, but afterwards have returned to it like dogs to their vomit, let them again be in penitence for ten years." The Synod of the Church held at Arles in A.D. 353, after the conversion of Constantine, declared: "Those who cast away their arms in peace (that is, at a time when the Christians are not persecuted), shall abstain from communion."<sup>1</sup>

As military service had been a sin before the imperial conversion, so now pacifism was to be a sin. The Church had begun her policy of compromise to gain the world. While the Emperor paid lip-service to the Church, the Church, it is said, offered life-service to the Emperor;

<sup>1</sup> The Council of Toledo (400) declared: "*ecclesia abhorret a sanguine*"; and laid down that a priest who fought shall be deprived of his dignity. But both bishops and ecclesiastics were soon to become leaders in war.

she forgot her Lord and sacrificed His command to please a new master.<sup>1</sup> The militant trend in the Church was strengthened when the Northern barbarians were forcibly converted to Christianity. They regarded war and fighting as the supreme virtue, and the only gods they worshipped in their old religion were of might and force. Their conversion did not change their mind; but rather the converts changed the mind of the Church. It is notable that, when the Old Testament was translated into the Gothic language, the Four Books of Kings were not included in the translation, for fear they might encourage the martial disposition of the barbarians; but the reticence was of little avail. The spirit of the Hebrews against the Canaanites, and not the spirit of the Christian Gospel, moved the peoples that in the end became masters of the Roman Empire. The great bishops of the Church made, indeed, some attempt to check militancy. Augustine, who was the supreme organizer of the Church in the fifth century, and wrote his *Civitas Dei* under the deep emotion aroused by the sack of Rome by the Goths in A.D. 410, summed up the spirit of the faith in a message to a soldier convert: "It is more glorious to kill war with the word than to kill man by the sword." For him Jerusalem meant the vision of peace; but the chief good of his divine city lay in the life eternal of the next world rather than in peace on earth. The city of Peace, *Urbs Beata illa Zion*, was remote. An Anglican divine of the last century marked the difference between the Hebraic and the Christian conception of the realm of Peace.

<sup>1</sup> In the words of Dante, translated by Milton :

"Ah, Constantine, of how much ill was cause,  
Not thy conversion, but those rich domains  
That the first wealthy Pope received of thee."

(*Inferno*, Canto 19.)

"As we approach the Gospel time, the sublime and supernatural sense remains, but its locality alters. To the Jewish prophet the earth was heaven; they are mixed together in one landscape. But the two worlds under the Gospel light are divided, and the visible was exchanged for the invisible as the place of the prophetic realm of peace."<sup>1</sup> The agony of the Jewish struggle with Rome made the Christians, who stood aside from it, transfer the Kingdom of God to another world.

Human history has shown through the ages that men are more willing to kill than to die for the sake of their beliefs. While the early Christians had been burnt at the stake rather than depart from their principles, the later Christians chose to kill in proof of their zeal. Augustine and his successors were at pains to define what war could be sanctioned by the Church in order to meet this feeling. War was an evil permitted only if inevitable occasion requires it. They distinguished between the just and the unjust war, and authorized Christians, except priests and monks, to engage in a just war. We have seen that with the pagan Romans of the Republic *justum bellum* was one initiated with the proper religious forms. In this new conception of the Christian Empire it was a war to vindicate the right and to put down oppression, while the unjust war was one undertaken for the purpose of gain and of the nature of brigandage (*Grande Latrocinium*). Augustine put it: "It is not a sin to fight; but it is a sin to fight for the sake of gain"; and he deduced from the Old Testament that God has the right of correcting and destroying human corruption by war and to test by such trials the blameless life of the just. At the same time the soldier must always

<sup>1</sup> Mozley, *University Sermons*, 1879.

retain his humanity and must remember that the end of fighting is peace.<sup>1</sup> The master of the scholastic philosophy in the thirteenth century, Thomas Aquinas, defined exactly the conditions of a just war. That must

- (1) be declared by a public authority;
- (2) have a just cause, that is, the persons attacked must have committed some fault and deserve chastisement;
- (3) have a just intention without cruelty or cupidity, and with an ardent desire to re-establish peace, so that it has the nature of the execution of a judgment (*Summa*, II, 2).

These conditions had been more broadly stated in the famous text of the mediaeval canon law, the *Decretum Gratiani* compiled by a monk in the twelfth century. It is obvious that the theory of a "just war" could not in practice be an effective check upon the fighting instinct. And so constant was the support of war by the Church that the Catholic De Maistre could say: "Rien ne s'accorde dans ce monde comme l'esprit religieux et l'esprit militaire."

Besides its acceptance of war as an instrument, the Church fell away in another aspect from its original principle of non-resistance to evil when it became the imperial religion. Having been persecuted it now became the persecutor. Its fundamental idea was the One Visible Catholic Church, uniform in faith and ritual. Just as the pagan empire sought to impose the worship of the emperor upon all citizens, so the Christian Empire sought to impose the particular creed which was held by its ecclesiastical heads upon the whole Christian world, and to crush not only paganism but also Judaism, the rival missionary religion, and any Christian sect which was not orthodox.

<sup>1</sup> "Bellum geritur ut pax acquiratur," *Aug. ad Bonifac*, 205.

The contrast between the intolerance of the ecclesiastics and the tolerance of the emperors, who were the heirs of the old Roman statecraft and manners, is exemplified in an encounter between St. Ambrose of Rome and the Emperor Theodosius towards the end of the fourth century. The populace of Callinicum, a town in Mesopotamia, instigated by the Bishop, attacked the Jewish quarter and burnt the synagogue. The Emperor, in order to assert public order and the right of the community to protection of its religious worship, ordered that the people should rebuild the synagogue at the expense of the Bishop. St. Ambrose remonstrated with the Emperor, and called on him in the name of the Church to protect the body of Christ in order that Christ himself might protect the Empire.<sup>1</sup>

From the reign of Theodosius, conversion to Judaism was made a capital offence, at the same time that it was laid down that if a man remained faithful to the old pagan cults he should be condemned to death. Roman and Christian were convertible terms. The old privileges which the Jews had won from the pagan emperors were withdrawn; and instead of being a legal community they were turned into outcasts of society. They could not carry on any mission and they could not enjoy civic rights. The persecution of any heresy within the Christian community itself was still more ruthless; and the world was drenched with blood in order to vindicate the dogmas of the Church Councils.

"After the extinction of paganism," says Gibbon, "the Christians in peace and piety might have enjoyed their triumph; but the spirit of discord was alive in their bosom, and they were more solicitous to explore the

<sup>1</sup> See Labriolle, *Latin Christianity*. Kegan Paul.

nature than to practise the laws of their founder." Men merited heaven by making a hell on earth.

The fall of the Western Empire in the fifth century before the Northern invaders led to another change in the position of the Church which determined the development of civilization in Europe for a thousand years. The Roman Empire seemed to be a divine institution providentially created to school the nations for the universal domination of the Church. The inheritance of the imperial tradition, which was left vacant by the fall of the secular emperors, fell into the lap of the Christian bishops of Rome. The spirit of nationality had not yet arisen in the Northern tribes which overthrew the Empire; while the achievement of the Empire "left a sunset glow over the Europe of the Dark Ages." At first the supremacy of the head of the Roman Church was recognized in the spiritual sphere only: and the emperor was his equal and separate sovereign in the temporal sphere.

When the Church was Romanized, the priest was distinguished from the laity, and the hierarchy of priests was organized. The bishop became an official of the State; and the supreme bishop, though at first subordinate to the emperor, soon asserted spiritual supremacy over him. The inspiration of Western society was primarily ecclesiastical, and the supreme ecclesiastical organization was a counterpart of the imperial system.

The See of Rome received acknowledgment by the whole Christian world of its supremacy over the other patriarchates of Alexandria and Antioch, both because it claimed the succession from Peter and Paul, and because the Pope was regarded as the Pontifex Maximus, the successor to the imperial prerogative of the head of

the religion. The pre-eminence of the City of Rome, too, gave him special authority. For a time his jurisdiction was exercised only over the bishops of the West; but in 381 Pope Damasus claimed to be supreme over the whole Church in virtue of the Primacy in Peter. And when the great Pope Leo (440-461) saved the City of Rome from being sacked again by the terrible Hun, Attila, known as the Scourge of God, he obtained from the Emperor Valentinian III a Perpetual Edict which recognized that Primacy. The Pope was ruler of the Universal Church and to resist his commands was treason. From spiritual supremacy the Papacy gradually advanced to temporal sovereignty. The emperor indeed still ruled from Byzantium—or, as it was now called, Constantinople—over the Western as well as the Eastern realm of Rome; but in the West the real power came to be exercised more and more by the Pope.

Another great Pope, Gregory I, who filled the See from 590, made himself the chief Christian power in Italy, and virtually independent of the new Rome in Constantinople. The complete break with the Eastern Empire came over the question of the destruction of the images. The iconoclast Emperor, Leo the Isaurian (717-741), sought to impose his Puritan Reformation on the Church in Italy. The Pope rallied against him the popular feeling, and sealed at once the schism between the Western and the Eastern Churches and the destruction of the spiritual and temporal unity of Christendom.

Half a century later Pope Zachary anointed Pepin King of France, and so symbolized the supremacy of the Church over the State. And when Pepin's successor, Charles, made himself master of the Western world, the Pope Hadrian anointed him to the still greater

dignity of "Augustus crowned by God, great and pacific emperor of the Romans." So the Holy Roman Empire was established, the emperor receiving his power from God's Vicar on earth; and the view was accepted that no man could be God's lieutenant over the people unless crowned and anointed by the Pope. It was the Emperor's function to preserve the peace in Christendom and to be the Defender of the Faith against external and internal foes. Yet the Pope, not content with being the maker of kings, aspired to territorial sovereignty, and received from the Frankish King Pepin (753) dominion over provinces of Italy. It was a dangerous gift which was to make Italy for centuries the battleground between the followers of Pope and Emperor.

From the time of Gregory I, the Pope of Rome claimed to be the supreme sovereign over Christendom, that is, over Europe, Western Asia, and North Africa. He was God's vicegerent on earth and had power in temporal as well as in spiritual things. As it was expressed later in a Bull of Boniface VIII (c. 1300), he held two swords representing those two aspects of power; the spiritual sword he wielded directly, the temporal sword he might delegate to kings and princes who exercised it on his behalf. But he remained sovereign: and his *Plenitudo potestatis* continued the absolute jurisdiction of the Roman Emperor. He appointed the princes, he judged them, he could call them to book, he could remove them from their offices if they sinned. It was in one aspect a splendid idea of a universal government applying a universal law, the principles of Christian teaching; it was in another aspect a fatal departure from the doctrine of peace and love in the Gospel, and from the ideal of the Hebrew prophets by which all the peoples should

voluntarily accept the one God and His law. In order to control the powers of emperors, kings, and princes, the Church was forced to be opportunist. It must let the tares and wheat grow up together till the harvest. The alliance of the Church with the Empire fixed the ecclesiastical policy; the Church must make the best of the world, and nothing must be outside its competence or its control. The ideal of a perfect spiritual community was surrendered. The world must be kept within the circle of the Church: and so persecution, religious war, crusades against infidels and heretics, must be sanctioned.

The attempt ran counter to the growth of national feeling which later began to move the peoples of Europe. And from the time of Pope Boniface VIII (A.D. 1300) the national spirit proved too strong; and the principle of a single Christian commonwealth lost vitality.

The development of the Church in the Eastern Empire was different from that of the Church of Rome. The Emperor at Byzantium was the vicegerent of God—for he was a Caesar-Pope; and it was the Church which was subordinated to the State and not the State to the Church. "Theodosius," it was said, "is a God; Attila (the commander of the Huns) is a man." One of the imperial titles was "equal to the Apostles." While in the West the Church determined, anyhow in theory, the justice of a war, in the East it was the emperor. Any war which was useful to the State was just, and even took on a holy character since the supreme head of the State was the representative of God. Many of the Eastern saints are soldiers, St. George of Lydda, Donatus, Theodore. The Emperor Nicephorus Phocas in the tenth century ordered the clergy to honour as martyrs all the soldiers who fell in the war against the infidels.

It was paradoxical that the East, which gave religion to the West, fell under the control of the State: while the West came under the sovereignty of the Church.

The Eastern Church [says Bryce] was always the handmaid of the Emperor. The Eastern Patriarch was the shadow of the Emperor cast on the spirit world: while the Western (Teutonic) Emperor was the shadow of the Pope cast on the secular world. . . . The Eastern Church was a body of worshippers professing the same dogmas. Doctrine and not organization was uppermost in its mind.<sup>1</sup>

The break between the Eastern and the Western Churches, already threatened for doctrinal reasons, was made irretrievable when the Pope appointed Charles, known as Charlemagne, as "Emperor of the Romans." Before this event the sway of Christendom over Western Asia and North Africa had been shattered by the sudden appearance of a new militant religion. The rise of Islam and its teaching will be examined in another chapter. Here we are concerned with its effect on the policy of the Christian peoples and the Christian Church, and particularly on their attitude to war. The almost miraculous triumph of the Moslem Arabs in the first half of the seventh century revolutionized the outlook of Europe. The Arab armies conquered Spain and penetrated to the centre of France until they were stayed at Tours by Charles Martel (732). They planted themselves firmly in the Peninsula and Sicily, and they threatened at any moment to overwhelm Christendom. The fear of Islam was the great lever of politics in the Middle Ages. The Prophet of Arabia had discovered the secret of uniting the passion of the soldier with the passion of the devotee. He had created this "blended enthusiasm

<sup>1</sup> Bryce, *Holy Roman Empire*.

which in a few years overpowered the divided counsels of the Christian Governments of the East, and within a century of his death had almost extirpated it in its original home."<sup>1</sup>

Christianity had become militant as its hold was extended over the warlike peoples that roamed and warred outside the frontiers of the Roman Empire. The new apparition intensified this militancy, and made it a fundamental feature of the ecclesiastical government. The Popes drew advantage from the Eastern peril. The decline of the Patriarchates of Antioch and Alexandria, now subject to the infidel rule, tended to aggrandize the position of Rome. They recognized too the opportunity of uniting Western Christendom, which continually threatened to break away from their authority, in a sacred war against the infidel. Pope Gregory VII, who first stimulated the enterprise in the eleventh century, reformed the Papacy in the ardour of the Crusade, bestowed and renewed the Western Empire as a fief of the Church, and sought to extend his temporal dominion over the empire of the East. Pope Urban II, who gave fulfilment to the enterprise, conceived the war, indeed, for the Holy Land to be the foreign policy of the Papacy itself; the Papal Legate was to accompany and rule the army of God. That idea was not realized; but for two hundred years every pulpit in Christendom proclaimed the duty of war against the unbelievers and represented the battlefield as the sure path to heaven. Ecclesiastical policy, then, as well as fear on the side of the Church, and the love of adventure and conquest as well as their Christian faith on the side of the kings, stimulated the wars for the recovery of the Holy Land,

<sup>1</sup> Lecky, *History of European Morals*.

which for three centuries kept East and West in violent conflict.

The Crusades are, on the one hand, a remarkable piece of ecclesiastical imperialism, on the other a momentous epoch in the carriage of civilization between East and West. Both sides considered that God was vitally interested and His glory involved in the struggle; for both regarded themselves as the holders of universal religious truth which must be spread by force among those who were blind to the light.<sup>1</sup>

The recovery of the Holy Land was constantly used as a lever for union, whether by the Pope or by the king. In the fourteenth century a French patriotic jurist, Pierre Dubois—a disciple of Thomas Aquinas—in a book called *De Recuperatione Terrae Sanctae*, wrote a plea for a Crusade to be led by the King of France. By the way he put forward proposals for many bold reforms: confiscation and redistribution of ecclesiastical property, and application of these resources to the training of interpreters for the East with medical instruction, even the sending of educated women to the Holy Land in order to marry and convert the Saracens and priests of the Orthodox Church, and to be missionaries and teachers. "No wonder," says Sir Frederick Pollock, "that he never rose to high office." Jurists and ecclesiastics were equally powerless to sway the separate ambitions of the princes. The three Crusades which were launched in the thirteenth century were diverted to Constantinople, Egypt, and

<sup>1</sup> A humaner conception was to be found rather in the leaders of Islam than in the leaders of Christianity. Thus Saladin, after his triumph over the knights of the Latin Kingdom, spared most of their lives: and in his dying advice to his son declared: "I commend you to the most High. Do His will, which is the way of peace. Beware of blood; trust not in that, for spilt blood never sleeps." (Quoted in Conder, *The City of Jerusalem*, p. 317.)

Tunis. The only one of the three that was successful led, in 1204, to the capture of the capital of the Byzantine Empire, the division for a time of the European part of that Empire between the French and the Venetians, and permanent embitterment between the Eastern and Western Churches. These latter Crusaders "beat the cross into a sword against Christian countries and peoples."<sup>1</sup> The more earnest Christian minds, indeed, were turning from the idea of the recovery of the Holy Land by arms to the mission of Christianity by the word. That was the appeal of St. Dominic and St. Francis in the age when Pope Innocent III organized one holy war which led to the capture and sacking of Constantinople, and another which led to the massacre of the heretical Albigenses.

The religious orders founded by them, and spread over Western Christendom, were instruments of unity more powerful than the Crusades. They were an international estate passing freely from one country to another; "the nervous system of the Christian commonwealth."<sup>2</sup>

Representing a truer development of Christian ideas than the military orders of the Templars and Hospitallers, they were concerned in looking after the Holy Places in the Holy Land but not in recovering the Land by force. They sent Christian missionaries to central and further Asia, encouraged for a time by the Mongols who, under Kubla Khan, had overrun a large part of the Continent, ruling from the Arctic Sea to the Straits of Malacca, and who welcomed Christians as well as Buddhists as a universalizing, denationalizing influence. The peaceful progress of the missionaries was stayed by

<sup>1</sup> Barry, *Papal Monarchy*.

<sup>2</sup> Bryce, *International Relations*.

Timor or Tamerlaine, who represents a Moslem religious reaction against the tolerant Mongol Khans.

The idea of a Holy War was extended from the struggle against the infidels for the Holy Land to the war against heretics in Europe; and in 1228, when the bold, free-thinking German Emperor, Frederick II, known as "Stupor Mundi," obtained Jerusalem by peaceful negotiation with the Arabs against the order of the Pope, Gregory IX excommunicated him and proclaimed a Crusade against him. This perversion of mediaeval theory of the union of Church and Empire shocked even that credulous age; but the Pontiff pronounced an anathema against the unbending sovereign, who in return claimed to be the head of the Church, and used the Saracens against the Pope.<sup>1</sup> No wonder that a reformer like the English Wycliffe could exclaim: "When will the proud Pontiff of Rome grant indulgence to mankind to live in peace and charity as he now does to fight and kill one another?"

Another English writer of a different kind pointed with mordant humour to the contrast between the pacifist profession of the clergy and their practice. In his stories of adventure Sir John Mandeville, who went on a Crusade to the Holy Land, bursts out thus:

The Chaplain often preaches morality to the soldiers, and even the Gospel at seasons and times when they are in winter quarters, and in an idle summer when no enemy is near. But when they are to enter upon any action and to besiege a town . . . it would be impertinent to talk to them of the Christian virtues, doing as they would be done by, loving their enemies and extending charity to all mankind. When the foe is at hand, and perhaps a main battle

<sup>1</sup> It seems likely that Frederick II adopted from the Moslems the idea that the Emperor was a kind of Caliph of Christianity, not only the defender but the head of the Faith.

is expected, then the mask is flung off. Not a word of the Gospel, nor of meekness and humility. All thoughts of Christianity are laid aside.

While the Church encouraged and stimulated this militant ardour in the struggle against the infidels, it sought to check that ardour in the internal affairs of the Christian princes. "The Holy See," said William of Malmesbury, an English chronicler, "cannot endure that one Christian should draw the sword against the other." The Popes intervened more than once to stay the war between England and France which went on intermittently for a hundred years. The cause of internal peace in Christendom was linked with that of the Holy War. To urge the warlike barons to a Christian Crusade was a way of diverting them from private warfare. The feudal period was marked by a constant state of war, private and public; and it was the aim of the Church to bring some order by its authority into the conduct of fighting, and to give some relief to the wretched people who were harried and driven by the incessant quarrels and wars. It sought between the tenth and twelfth centuries to establish the "truce" and the "peace of God," so as to put an end to the anarchy of private wars. The truce of God had its origin in the idea of the Sunday rest. No attack was to be made between the ninth hour of Saturday and the first hour of Monday. We may compare it with the Jewish law by which fighting was prohibited on the Sabbath. Gradually the Church contrived to extend the period of the truce till it applied from the evening of the Wednesday to the morning of the Monday. Thursday was dedicated to God on account of the Ascension, Friday on account of the Passion, Saturday on account of the Birth, and Sunday on account of the

Resurrection. The Church made a further extension of the truce from the beginning of the Advent to the First Sunday after Epiphany. Following the law of Deuteronomy, the Church Council of Narbonne forbade the cutting of fruit trees. The peace of God prescribed a prohibition of war altogether against certain classes: women, peasants, priests, etc. While neither the peace nor the truce could be effectively enforced, and the *Pax Ecclesiae* was a poor reflection of the old *Pax Romana*, the influence of the Church was to check unrestricted warfare until such time as the civil government was strengthened and able to impose some authority over the lawlessness of the barons.

Christian influence was more successful in introducing some mitigation of cruelties in the practice of war which had been accepted by the Romans and barbarian tribes. That effort was manifested partly in the suppression of gladiatorial shows and the practice of enslaving prisoners; partly in the institution of chivalry; and partly in rules of what was permitted and prohibited in war. The knights of chivalry regarded fighting as a divine service. "They united the force and fire of the ancient warrior with the humility of a Christian saint." They were initiated with a religious ceremony and their consecration was a kind of sacrament; they undertook the protection of the weak, the widow, and the fatherless; they took the sword so that they might destroy the monster of iniquity. The institution led on to the foundation of the Orders which were at once religious and military, the Hospitallers and the Templars, who played a great part in the later Crusades. Saint Bernard wrote of the Templars:

The soldier of Christ carries the sword not without reason. It is for the chastisement of the wicked and for the glory of the good.

If he kills a malefactor he is not a homicide, he kills evil and is a malicide.

As regards the practices of war, the Church used its influence to prevent the killing of women and children, the pillaging of towns, the taking from the peasants of their necessities, even the use of certain weapons. The second Council of the Lateran held by Pope Innocent II in 1239 forbade the use of early forms of artillery, except in a war against the Turks. The exception is notable. The Turks stood outside the scope of mediaeval humanity; for all infidels, including, of course, the Jews, were outlaws from the civilized society.

The prohibitions and orders of the Church, though not always effective, did exercise an insensible action over the transformation of the conduct of war from the unrestricted barbarity of the pre-Christian peoples to the recognition of some law. If the Christian religion in the Middle Ages fell below its first principles as regards peace and war, it was the one influence in Western Europe which held up an ideal of peace, and the one influence which stood for humanity in a semi-savage society. Montesquieu summed up its contribution to mediaeval civilization: "We owe to Christianity in peace a certain political law and in war a certain international law, for which humanity cannot be sufficiently grateful."<sup>1</sup> And Lord Bryce in our own day put it that the Christian Empire was the most venerable political institution of the past.

With regard to the government of the peoples the Christian Church was more effectively a power making for unity and a rule of law in a lawless age. The fundamental ideal of the Middle Ages from the time of Pope

<sup>1</sup> *Esprit des Lois*, 24, 3.

Gregory VII was unity in Church and State. Just as God is absolutely one, before and above the world's plurality, so the divine reason is an ordinance for the universe which permeates all the apparent plurality; and that reason is expressed by the divine regent, the Pope of Rome. All mankind, not only Christendom, is conceived as one community, for Christendom in its destiny is identical with mankind. Its very name, the *Catholic* Church, indicates that character: and its aim is to establish the single universal community governed by God's law. As Thomas Aquinas puts it: "Conjunctio hominum cum Deo est conjunctio hominum inter sese." According to the scholastic philosophy mankind is one mystical body, one single connected people. Christendom constitutes that universal realm which is both spiritual and temporal, and is called the universal Church or the commonwealth of the human race. While there was in practice a severance between the two organizing orders of life, the spiritual and temporal, they are reducible to a unit through the overriding power of the Pope. The spiritual power was represented by the sun, the temporal by the moon. The Pope wields an empire over the human community; he is priest and king, lawgiver and judge, in all causes supreme.<sup>1</sup> The temporal power is subject to the spiritual; the Pope could withdraw the empire from Byzantium and confer it on a German, French, or Italian prince, as he pleased. The Holy Roman Empire, as it was called, was dependent upon the Papal will; and the Emperor who sinned against the Church might be required to do penance prostrated before the Pope.

The conflict between Church and State could hardly arise since there was only a single society, an undivided

<sup>1</sup> Gierke, *Political Theory of the Middle Ages*, translated by Maitland, 1900.

Christian Commonwealth which was both.<sup>1</sup> The Church was the State, and the civil authority a department of the Church. It was opposed to nationalism because national independence would conflict with the unity. The Bishop in Shaw's *St. Joan* puts it: "Divide that Kingdom into nations, and you dethrone Christ. Dethrone Christ, and who will stand between our throats and the sword?" Whoever resisted the power of the Pope resisted order. As it was said in the Bull of Boniface VIII, *Unam Sanctam*, 1302: "Porro subesse Romano pontifici omni humane creature declaramus, dicimus, et pronunciamus omnino esse de necessitate salutis" ("It is entirely necessary for every human creature to be subject to the Roman Pontiff").<sup>2</sup> The Papacy was the pivot of a theocracy. Further, the universal God owns all the earth. The Pope, therefore, as His representative assigns territories, and it is his power to make grants of newly discovered lands, as when the New World was discovered in the fifteenth century and was assigned by him, part to Spain and part to Portugal. Here is an amplification of the Biblical idea that the earth belongs to God (see Lev. xxv. 23).

The unity of the Church and of mankind is manifest also in the unity of law. *Extra ecclesiam nullum jus* represents the mediaeval principle. The rule of the Church is supranational rather than international, and the Pope pronounces judgment upon kings and princes as a supreme sovereign rather than as an international judge. His instruments were excommunication from the Christian

<sup>1</sup> Barker, *Unity in the Middle Ages*.

<sup>2</sup> The Bull, indeed, was issued as a vain attempt to bolster up the waning authority of the Pope in the struggle with the French monarch. It claimed that there was one Holy Catholic Apostolic Church which represents a single mystical body whose head is Christ, and in which there is one Lord, one Faith, and one Baptism.

society and interdiction. "It belongs to our office," wrote Innocent III in a letter claiming to arbitrate between England and France, "to correct all Christian men for every mortal sin, and if they despise correction, to coerce them by ecclesiastical censure. And if it is ours to proceed against criminal sin, we are specially bound when we find a sin against peace." It has been said that, so far as the common faith of Western Christendom strengthened the common realization of justice handed down through the institutes of the Roman Empire, and never wholly extinguished, it made an effective contribution to the foundations of international law.

The Pope, however, failed to apply fixed and known rules; and his intervention was more often induced by self-interest than by the cause of justice. As yet no system of international law was recognized, save for the body of rules developed in the seventh century out of the Roman conception of the *Jus Gentium*, and embodied in the Decree of Gratian, which concerned the relations of peoples in war, such as the occupation of territory, the fortification of cities, captivity, and truce. The principles of the Christian Gospel were too remote from the rough political realities to form the basis of a positive law.

A modern political philosopher, in a study on the policy of the State and the Gospel, has ascribed the failure of Christian teaching to control international policy to the absence in the Gospel of any political doctrine.<sup>1</sup> Whereas Judaism contained rules of government and contemplated the establishment of righteous dealing both within the State and in relation with other States, the Christian Gospel was concerned entirely with the relation of the individual to God and not with

<sup>1</sup> H. Krabbé, *L'Idée Moderne de l'État*. Recueil des Cours, 13.

civil life. It was thinking rather of the next world than of righteousness in this world. While the Popes for nearly a thousand years exercised supremacy over political life, and were for a long part of the period the one steady force making for order and unity, they had not in the Christian Testament any fixed principles of justice by which to exercise their authority.

Between the eleventh and thirteenth centuries a fierce struggle was waged, mostly in Italy, between the Pope and the Emperor. There were learned upholders of the temporal power; but few dared to claim supremacy for it. The theory more favoured was that which obtained at the outset of the Holy Roman Empire, of two co-ordinate powers in independent spheres instituted by God Himself. The Empire or temporal power depends directly on God and not directly on the Church. In the fourteenth century, however, the fuller claim was made. Dante in his treatise *On Monarchy* holds out the prospect of a universal government exercised by the Roman Emperor and not by the Pope. The temporal power of the Pope was not given by natural law, nor by divine ordinance, nor by universal consent. Some form of universal monarchy seemed necessary to the mediaeval mind; and by this time the failure of ecclesiastical government as an instrument of justice was apparent: and the opening freedom of the human mind was beginning to rebel against the authority of a theocratic head.

The movement of opinion against the Papal authority is reflected in the contrast between the treatise of Dante on Monarchy written in 1310 and the treatise of Marsilius entitled *Defensor Pacis*, written some fifteen years later.

In the latter book the spiritual and moral element has disappeared to the background, and the secular State pure

and simple is advocated. The writer wishes to restore peace and order; but he holds that law must depend on the will of the whole people or the majority of the people. The cause of the decline of Europe is the Papacy; the Church must be subordinate to the State and not even an independent power; the Pope is to concern himself with spiritual matters alone, and the State is to be supreme in all civil things. The rejection of the spiritual power and the moral law in the affairs of State is exemplified in another political philosophy of the latter part of the Middle Ages. It is Machiavelli who represents in its completest form the severance of politics from religion, and even from the moral law. And he is simply voicing the practice of his age. War should be the only study of a prince; peace is only a breathing-time which gives him leisure to contrive his military plans.

It was the failure of the Popes to preserve any tolerable standard of righteousness and justice that brought about the collapse of the unity of Western Christendom in the fifteenth century. The vitality of the Church everywhere was lowered by their infidelity, greed, worldliness, and desire for dynastic power. Finally, the authority of the Popes was fatally impaired by their subjection for nearly a hundred years to the growing power of France in what was called the Babylonian Captivity. The Pope of Rome became a prisoner and a puppet of the French at Avignon. For a time there were two Popes—or a pope and anti-pope—and the Councils of Constance and Basle at the beginning of the fifteenth century failed to remove the schism and obtain unity by the election of a third Pope. The Papacy had weakened its authority, too, by assuming direct territorial authority over Rome and part of Italy. The Pope's kingdom was of this world, and he

bartered away his moral and spiritual power by becoming an Italian prince. His temporal ambitions provoked the resistance of the clergy as well as of the princes outside Italy. The Great Schism between Rome and Avignon was in one aspect a protest of the growing powers of nationalities against the autocratic and absolute power of the overlord.

Even before this break there had been a series of intellectual rebellions against the autocratic uniformity of doctrine which the Church sought to impose. Until that time the Church had succeeded in putting down any heresy; it had pitilessly wiped out communities like the Albigenses and the Lollards who returned to the original principles of a pacific Christianity. For a period, indeed, the Jews in Europe were the one living protest against the uniformity of the doctrine of the Church; and they were expelled from England in the fourteenth and from France and Spain in the fifteenth century. From the beginning of the fifteenth century, however, the movement for freedom of thought gained steadily in determination and volume, and finally prevailed. A popular religious reform broke out in Bohemia, where John Huss began to preach in 1404. It had a national as well as a religious character: it was the rising of a people in the name of the Gospel. The Council of Constance which was endeavouring to bring order into the divided Papacy condemned Huss as a heretic; and the rising was ruthlessly crushed or, rather, stifled. But the tide could not be stemmed. Greek learning came from the East, and brought with it into Europe a new spirit of intellectual searching and of humanity.

The capture of Constantinople by the Turks (1453) was one of the predisposing causes of the Renaissance

in that it drove a mass of Greek scholars into Western Europe, and so brought to the universities Greek philosophy and something of the Hellenic spirit of intellectual freedom. Jewish scholars and translators from Spain and the South helped to carry the ideas of Greek philosophy and of Arabic science to the West and North.

The dominant character of the Reformation, which had, however, other aspects, was the insurrection against absolute power in matters of the intellect. Side by side with this spiritual revolt was the uprising of national feeling against any foreign domination. In vain the Popes still sought to restore their power by uniting Christianity against the infidel. Pope Innocent VIII (1484-1492) sent legates to the Courts of Europe calling on the kings to put an end to strife and to work for the union of their peoples and the launching of a fresh crusade against the Turks. The Church which had succeeded in uniting Christendom against the Seljuk Turks failed completely in rousing them against the Ottomans. About the same period the King of Poland advocated a peace league of the Christian princes, with a conference of delegates to settle disputes between them; but the secular effort had no better result than the Papal. The national feeling was now too strong, and kings and princes would not pay heed.

In the history of England the repudiation of the external authority of the Pope comes in the reign of Henry VIII. "This realm," said the king, "is also an empire." The immediate cause was the king's desire to be rid of his first wife, to which the Pope refused to grant his sanction; but the deeper cause was, on the one hand, the growth of feeling for national independence, and, on the other,

the growing desire of humanity for liberty of thought. In Northern and Western Europe the spiritual and temporal authority of the Pope was shattered in this era of enlightenment and of national Churches; and the ideal of a supranational government of Christendom was once and for all broken. At the moment when the Pope was turning from the moral and religious direction of the world, the claim of the Holy Roman Empire to dominion over Western Christendom was likewise rejected. Charles V (1519-1556) aspired to represent the majesty of Imperial Rome, and allied himself with the Pope against the Protestants who challenged the authority of the chief magistracy of Christendom. But the emperor, no less than the spiritual head, failed to uphold the unity of a world empire against the demand of the peoples for complete national independence. The Holy Roman Empire, into which once the whole life of the ancient world was gathered, was regarded as a German State; and henceforth the Emperor was only the titular chief of the rulers of Christendom, and to his Protestant subjects, moreover, only the titular head of the nation. It was the final disappearance of Rome as the universal link and arbiter of nations. When the national spirit grew, not only the temporal sovereignty of the Pope and Emperor but also the religious supremacy of the Church was rejected; and Europe had to grope painfully through centuries of anarchy for the establishment of a law which should govern the conduct of nations.

## CHAPTER V

### FROM THE REFORMATION TO THE FRENCH REVOLUTION

It has been said that the principle of the Reformation was "Call no man master, neither king, Pope, nor even the Holy Church." One fundamental aspect of the Reformation was to free the human mind from authority, and to assert afresh the principle of individual intellectual liberty. In Germany, in England and in Holland, in the Scandinavian countries, and in France for a time, men refused any longer to submit to the control of one supreme power. The spirit of the individual nations was asserting itself against a unitary government of the world; and the spirit of the individual man was asserting itself against the government of ecclesiastics. In the sphere of international relations the immediate effect of the break with Rome was to destroy the idea of world-Empire and the solidarity of Christendom; and to remove what had been the one strong principle of order and peace in the mediaeval society. The feeling for humanity that is inherent in the Christian teaching still indeed survived among idealists, and it became necessary to find a fresh basis for giving effect to it in order to prevent anarchy. That necessity was the motive for the definition and growth of international law, which is one of the outstanding movements of the period under consideration. It was a slow and halting movement; and the forces of religion were for a large part of the period directed rather to intensify the differences, and to aggravate war than to lead men and nations towards mutual

understanding and co-operation. The "authoritative egoism" of the Roman Church fostered "anarchical egoism" in a number of national States which were for centuries a body of struggling atoms. While before the Reformation the social and spiritual environment was co-extensive with Christendom, it is now disrupted by a narrow national spirit and a self-centred policy. The idea of a natural or Christian society of nations, arising from the common origin and the needs of man, the common ethical outlook of Christian peoples and the dependency of nations upon one another, was painfully weak in the minds of the rulers, however convincingly it was expounded by the jurists. It had not an emotional appeal like the old cry for union against the infidel. The design of an International Reformed Church was at once shattered by the growing strength of nationalism; and the Protestant Church in each country was organized on national State lines. "In Protestantism," says Figgis, "the limits of the society were narrowed to a national and territorial State, while its nature was more that of a State than a Church."<sup>1</sup>

So the national Church was to the State what the Catholic Church had been to the world. It became a national organization helping to maintain and vivify the principles of territorialism. Even in the Catholic countries which remained within the fold the Church was nationalized. Thus in the Spain of Catholic Ferdinand and Isabella, the State was a Church; but while identifying itself with the spiritual interests of the Catholic faith it did not submit to the Pope at Rome. Not the Pope but the king was God's minister on earth.<sup>2</sup>

How was it that in an age which was essentially re-

<sup>1</sup> Figgis, *From Gerson to Grotius*.

<sup>2</sup> Madariaga, *Spain*.

ligious and which derived its political motives almost entirely from religion, "when religion was involved with politics more than ever before," the principles of Christianity were thus distorted? Two essential affirmations flow from the fatherhood of God: the infinite value of the individual man and the unity of the human family. The Reformation stressed the first idea as the Papacy had stressed the second.

History teaches that a great principle manifests itself in human society by opposition to another principle. The principle of individual and national independence was asserted in a struggle against the Roman conception of unity; and the Reformation was led to disregard, or at least to belittle, the idea of human solidarity. Luther, too, set up an absolute cleavage between the temporal and the spiritual interests. "The Kingdom of Christ is entirely separated from the kingdom of the world; and the sphere in which law rules has nothing to do with the sphere in which the Gospel moves." His severance of the national State life from the religious life affected adversely the civilization of Europe; and for 350 years menaced the peace and well-being of the Western world.

Yet the sixteenth century was a period of remarkable creativeness in international thought. The fall of the Papal power in the first half of the century appeared to be complete. Rome was taken by storm and plundered by German bands in 1526 and 1527, the Lutheran sectaries taking part; and when Pope Clement died in 1534, half of Christendom was in rebellion against the Papal system. A few years, however, witnessed a remarkable recovery in the Roman Church. The Order of the Jesuits brought about a counter-Reformation which strengthened the Papal power in the south of Europe, particularly in

Spain, Portugal, and Italy. A new spirit moves the leaders of opinion in the Catholic countries as well as in the Protestant countries. The spirit of reason and of free inquiry had come to Europe with the Renaissance of learning. The science of international law and the efforts for international peace are developed in two parallel lines: one starting from the principles of the universal Church, the other from the principles of the national State and the teaching of the Bible and law of Nature; but both seeking to find a basis of conduct which should command obedience apart from external sanction, and so avoid the complete anarchy which threatened Christendom.

The earliest conception of a moral law that should govern the relations of nations and peoples, now that the Papal supremacy was shattered, comes from Catholic jurists of Spain. Outstanding among them is Franciscus de Vittoria, who taught at Salamanca in Spain from 1526-1546. The discovery of America and the conquest of the pagan natives by Christian adventurers from Spain and Portugal who claimed to be carriers of a Christian mission, opened up new questions of the relations between peoples. In his lectures on the recently discovered Indies, Francis deals according to humanitarian principles with the claims of the Spaniards to their conquest.

Pope Alexander VI, in his famous Bull of Partition of the New World, issued in 1483, had made a grant to Ferdinand and Isabella of Spain of all the newly discovered lands.

God has entrusted the care of all peoples, runs the decree, to one man named Saint Peter who is the master of the human race, so that all men must obey him. He places the whole world under his jurisdiction. Obedience is owed to those who have succeeded him

in the pontiff's chair. One of these pontiffs has made a grant of these isles to the kings of Castile. His Catholic Majesty is therefore by virtue of this gift king and owner of these isles.

Territories occupied by infidels are treated as vacant, and a title to them was conferred by discovery and evangelization.

The jurist examined the claim with greater regard for human rights. He denies the power of the Pope to give territorial sovereignty, but he sets up seven just causes for which Christian Spain may intervene in the lot of the barbarian peoples:

- (1) There is a natural right of society and communication between men; and if the barbarians prevent the Spaniards from carrying on this commerce, the natural right is forfeited.
- (2) There is a natural right of propagating religion; but it must be exercised without imposing the faith by force.<sup>1</sup>
- (3) There is a right of protecting the barbarians converted to Christianity against the hostility of others.
- (4) There is the right of the Pope, if the majority of the people are converted, to take them from their pagan master and to give them to a Christian sovereign, etc.<sup>2</sup>

The jurist argues that Christians are not to pursue the preaching of the Gospels if the natives resent it, and it would involve war to proceed. Opinions are not to be enforced by the sword even against savages. Generally he stood out for humanity. Even if a country has a just cause of war, the ruler should refrain from using force if it were likely to harm the whole community of nations.

<sup>1</sup> We may contrast with the humanitarian standpoint of the jurist the attitude of the Dominican monk Valdes who accompanied the Spanish army of Pizarro; and when they were preparing a great massacre of Indians, exhorted them thus: "I absolve you, Castilians: fall on and slay."

<sup>2</sup> See *De Indis*, etc., Ed. Nys, p. 160. Published by the Carnegie Institute, Washington, 1917.

He counselled passive resistance to war. If a subject does not believe in the justice of a war, he should not fight. Not only those who do evil but also those who acquiesce in their action are worthy of death.

His lectures contain a striking anticipation of the mandate system which he advocated for the government of the Indians:

Although the natives are not wholly unintelligent, yet they are unfit to found or administer a state according to the standard required by human and civil claims. Their government, therefore, should be entrusted to a people of intelligence. This might be founded on the principle of charity: for they are our neighbours and we are bound to look after their welfare. Let this, however, be put forward without dogmatism, and subject to the condition that any intervention be for the welfare and in the interests of the Indians and not for the profit of the Spaniards. For in this respect lies danger to the soul and salvation.

Here the principle of "the sacred trust of civilization," which was embodied nearly four hundred years later in the Covenant of the League of Nations, is derived directly from the Christian teaching. The question formed the subject of a Council of State at Valladolid in 1550.

Francis denies the justice of religious persecution, and says categorically that a diversity of religions is not a just cause of war. The Bull of Alexander VI authorized the King of Spain to redeem the natives to Christian worship, but not to conquer them on the ground of their heathenism.

The spirit of the Renaissance is penetrating the Church and breaking away from mediaeval absolutism. There is the beginning of an idea of a law of just dealing which is not limited to Christian nations but applies to all humanity, an attempt to found a code of international

conduct on the principles of the Christian ethic. The same idea is expressed by a later Spanish Jesuit jurist, Suarez (1548-1617). In his book entitled *De Legibus ac de Deo Legislatore*, he gives still clearer utterance to the notion of a law applicable to all humanity:

The human race, however divided into various peoples and kingdoms, has always not only its unity as a species but also a certain moral and quasi-political unity pointed out by the natural precept of mutual love and pity which extends to all, even to foreigners of any nation. Wherefore, although every perfect state, whether a republic or a kingdom, is in itself a perfect community composed of its own members, still each such state viewed in relation to the human race is in some measure a member of that universal unity. For those communities are never singly so self-sufficing but that they stand in need of some mutual aid and communion, sometimes for the improvement of their condition, but sometimes also for their moral necessity. For that reason they are in need of some law by which they may be directed and rightly ordered in that kind of communion and society.<sup>1</sup>

At about the same period humanists in England and in Germany were developing kindred ideas. The Catholic, Sir Thomas More, in his *Utopia*, and the Protestant Gentilis, who taught at Oxford, conceived a republic founded on natural law and embracing all humanity. Gentilis adopted the idea that a Christian sovereign should not compel other peoples to accept the Christian faith by arms. Religion is the union of God and man; God alone has dominion over the soul, and war cannot be made for its sake. More's friend Erasmus poured scorn upon the motive of the Crusades against the Turks, as though men could be won to a religion of love by the sword. He realized the impossibility of a universal empire. "And men being what they are, there is more

<sup>1</sup> Cited by Westlake, *Chapters on International Law*, p. 26.

safety among kingdoms of moderate power united in a Christian league." The idea was not to be fruitful in action for centuries.

The outstanding figure, however, in the development of international law at this period is not to be found among the Catholic humanists, but in the Protestant scholar and diplomatist, Hugo Grotius of Holland, who wrote his famous treatise on the *Law of War and Peace* in 1624. Before that he had published annotations of the Old and New Testaments, in which he showed an amazing mastery of Hebrew and Classical learning.<sup>1</sup> He was acquainted with Menasseh Ben Israel, who later interceded with Cromwell for the return of the Jews to England; and he was said by his enemies to be a Judaizer. It is interesting in this connection that in 1615 he presented to the States of Holland a Remonstrance recommending that Jews should be permitted to settle within their territories and to exercise their religion.<sup>2</sup> Grotius was one of the great scholars of the Bible in an age in which the study of the Hebrew Bible and of Rabbinical literature was taken up with an extraordinary enthusiasm by the leaders of the Reformation; and he went back to the Bible as one of the sources of a law of justice between the nations. He conceives, indeed, three sources for that law, it may be derived from nature herself, or from the divine law, or from custom and tacit agreement. The "law of nature," which, as we have seen, was a product of Stoic philosophy adopted by the Roman jurists, was revived as one of the principles of human institutions and connected with the divine law. In the days of the Papal supremacy it was identified with the Golden Rule

See W. Knight, *Grotius*. Grotius Society Publications, 1925.

<sup>2</sup> See A. Kuhn, *Grotius and the Emancipation of the Jews in Holland*. 1928.

of the Bible: not to do unto others what you would not have done to you. But now it was amplified and made the basis of a body of rules for the conduct of war, and the relations of independent territorial States.

The repudiation of the power of the Pope led men to search for some other principle which might be accepted as authority by all peoples. Where the Bible contained a rule for the relations of nations, it was to be followed as the *Jus Voluntarium Divinum*; but where it was silent, either the "law of nature" or custom must be sought. As an example of the law which Grote derives from the Bible, we may take the section about the conduct of neutral States towards belligerent armies. It is founded on the passage in Numbers (xx. 14-21) that shows the relation of the King of Edom to the Children of Israel, and indicates that the neutral territory should not be used for the passage of the armies of a belligerent (*D.J.B.P.*, 2, 2).

There was pressing need of finding a basis of order; for States were threatening in their relations to return to the law of the beasts, disregarding all moral principle. Since there was no supreme authority to declare it unjust, all war by one sovereign against another was regarded as just. And in war there was no restriction on inhumanity. In his introduction to his treatise Grotius says:

I have been for a long time convinced that there is a God common to all nations who watches both the preparation and course of war. But I observe everywhere in Christendom a lawlessness in warfare of which even the barbarian nations would be ashamed. When arms are once taken up, there is an end of all respect for law, whether human or divine, as though a fury had been let loose with a general licence for all manner of crime.

He sought a philosophical rather than a theological

basis for a law of nations. Justice is for him the most important of the cardinal virtues. Man has a primary obligation—to devote his faculties to a conduct of life in harmony with the divine intention. His right is relative to that obligation; and natural rights, whether granted by the Church or the State, or acquired by his own industry and ability, are the object of the virtue of justice.

He conceives the law of nature independent of a divine revelation and even independent, in a sense, of God. God does not create it directly by His imperative will. Having created nature He cannot desire anything in conflict with nature, so that the law is imposed on God Himself. One may compare the idea of Grotius with the Logos of Philo and the "Word" of the Gospel of St. John. The law of nature exists, he says, "*et si daretur Deum non esse.*" In this conception he departed from the idea of the Calvinists, who denied that there could be a morality independent of God's revelation. Although in his theory of the law of nature Grotius follows rather the Stoic philosophy than the religious doctrine, his practical teaching is founded on a conviction of the idea of humanity and the divine fatherhood of all mankind. He concludes as he begins his book on the conduct of war, with the note of humanity:

May God write these lessons—he alone can—on the hearts of all those who have the affairs of Christendom in their hands. And may he give to those persons a mind fitted to understand and to respect rights, human and divine, and lead them to recollect always that the ministration committed to them is no less than this, that they are governors of men, a creature most dear to God (*D. J. B. P.*, 3, 25).

If he did not dare hope for the end of all war, he pleaded earnestly for the settlement of international

differences by arbitration, and also for the mitigation of the cruelties and horrors of war by principles of humanity. The Christian doctrine of charity should govern nations, and there should be an era of international agreements and good faith. His work had gradual influence on the Protestant countries. It is said that the Supreme Commander of the Protestant armies in the seventeenth century, Gustavus Adolphus of Sweden, carried a copy of the *Law of War and Peace* in all his campaigns. It was thus one of the influences for the improvement of international relations. Nevertheless, the wars that devastated Europe in the first half of the seventeenth century were marked by a ferocity and a cruelty greater than that of the wars of the Middle Ages. They were in one aspect religious wars between the Catholic and the Protestant Powers, but they were also wars of independent European nations struggling either for predominance or the balance of power. As Lecky says: "The object set was political power; but the difference in religious belief formed lines of demarcation separating the hostile coalitions and exciting the enthusiasm by which the struggle was maintained" (*History of European Morals*).

Nor was the religious passion restricted to the struggle between Catholics and Protestants. The different Protestant monarchs and sects quarrelled among themselves, and their quarrels led on to the Thirty Years War in which a large portion of the population of Germany were destroyed, and the rest were reduced from a high level of civilization to utter misery.

These wars occurred in an age of comparative enlightenment. But "zeal for a cause is one of the most dangerous irritants to which human passion is subject";<sup>1</sup>

<sup>1</sup> Westlake, *op. cit.*

and the influence of religion was now rather a stimulus to ferocity than a source of humanity.

It was in this hard school that the right of peoples to differences of religion was established. The Treaty of Westphalia in 1648, which brought the war to an end, consecrates the principle of religious divinity. Henceforth the States of Europe were recognized as essentially secular; and the attempt was abandoned to impose the Catholic religion, or any particular brand of the Dissenting religions, by force on other peoples. The diversity of religions ceases to be the dominant principle in Europe of a classification of States or of external policy and alliances.<sup>1</sup> Despite the protest of the Pope, the Protestant States were admitted equally with the Catholic into the society of nations; and the claim of the Papacy to supreme temporal authority was repudiated even by the Catholic kingdoms.

The right of individual religious liberty within the State had still to be won. One of the effects of the Reformation was to subordinate religion to the State, in contrast to the mediaeval standpoint by which the temporal power was subordinated to the spiritual.

Protestant reform fell below its principle of giving freedom to the individual conscience. And it soon came to persecuting those who differed from the reigning creed almost as ruthlessly as the Popes had persecuted them. While Bruno, the scientist, was burnt by the Pope because he became a Calvinist, Servetus, another distinguished scientist, was burnt at the stake in Geneva by order of Calvin for heresy.<sup>2</sup> Calvin, indeed, who was

<sup>1</sup> The French minister, Richelieu, made an alliance between Catholic France and Protestant Sweden.

<sup>2</sup> In 1903, on the three hundred and fiftieth anniversary of his execution, an expiatory monument was erected in honour of Servetus at Geneva by persons

the most constructive mind amongst the reformers, erected in Geneva a theocratic scheme of government. Elsewhere, however, the Protestant kings of Europe subjected the Church to their authority. Going farther, they claimed the right to compel all their subjects to adopt the religion which they professed. The doctrine was laid down, *Cujus regio ejus religio*, and it was consecrated at the Peace of Augsburg, 1555. It flowed from the principle of the Divine Right of Kings which had succeeded the mediaeval principle of the fullness of power of the Pope as the supreme head of a universal Christendom. The godly prince, omnipotent in his dominions, could choose between the Lutheran and the Catholic faith, and his choice bound all his subjects. If a subject rejected the State religion, his only course was to emigrate. Banishment was substituted for burning as the penalty for independence of religion.

The idea of a territorial religion was fatal to liberty of conscience. It was an abuse of the principle that there should be a religious bond within the State community. Yet it is a remarkable sign of the mentality of that time that it found a champion in one of the principal followers of Grotius, the Protestant jurist, Pufendorf. In his book on the *Elements of Universal Jurisprudence*, he deals with the question of imposing religious creeds. He thinks the magistracy has a right to exert force in such matters because of the importance of religion to the commonwealth. It contributes greatly to the tranquillity of the State if all citizens openly profess the same views regarding religion, whose power in inciting the emotions is who are described as "the respectful and grateful followers of Calvin, our great Reformer, but condemning an error which belonged to his epoch, and devoted to liberty of conscience according to the true principles of the Reformation and the Gospel."

great. So the magistracy may rightly, even under the threat of executing a penalty in a court of law, forbid all who are subject to its jurisdiction to set forth, either in public or private teaching, anything opposed to that form which the magistracy has announced as the one to be followed by its citizens as being in harmony with the foundation of faith.<sup>1</sup>

The attempt was made to give the modern territorial State a certain coherence and solidarity by insisting on the common belief. It required two centuries more of human effort and the French Revolution to win for the individual the right of freedom of thought, corresponding with the independence of spiritual authority which the Reformation had won for the State. The irreligious thinkers and philosophers of the eighteenth century, such as Hobbes in England and Voltaire in France, secured the victory of the freedom of the human spirit. Yet it was a religious philosopher before the period of the Renaissance, the German Nicholas Von Cues, who in an eloquent plea for perfect tolerance entitled *De Pace seu Concordantia Fidei* declared "Una Religio est in Rituum Varietate." And the Jewish philosopher Spinoza was one of the protagonists of the cause of toleration and the separation of Church and State.

During this period, however, a higher idea of the relation between States as well as of the right of the individual to religious freedom within the State was upheld by a Protestant community which flourished in the northern countries of Europe and in certain of the States of America, and stand out as the upholders of Christian principles in public affairs. The Quakers—or, as they called themselves, The Society of Friends—repudiated at once the idea of war as a means of settling

<sup>1</sup> Bk. II, p. 258.

disputes between States, and the idea of force in relation to the conduct or belief of the individual. Their first group was founded in Holland in 1658, and they gained many followers in England. Their pacificism was based upon the teaching of the Bible. They believed, too, in an inner light without any theological implication which should guide men to justice and righteousness. They refused to take part in war; and in consequence of this attitude, like the early Christians, they were persecuted by the State. A number of them were led to emigrate from England and Holland to the newly discovered territories of America, and there they were able to establish communities in which more complete religious freedom was accorded. They sought to apply the principles of Jesus in their public relations. Their attitude is most clearly manifested in the relations to the Indians of William Penn, the founder of the colony of Pennsylvania. His declaration to the natives when he came as governor of the country for which he had obtained a concession from King Charles was in these words: "Dear friends, I wish you happiness in the present and the future. I shall not usurp the rights of anybody or offend anybody." He signed a treaty of friendship with the Redskin chieftain in the shadow of the elm near which the city of Philadelphia was founded. The name of his city symbolizes the new spirit of brotherhood between Christians and natives. "His principles of conduct," according to his biographer, Besse, "begat an extraordinary love and regard for him and his people, so that they maintained perfect friendship"; and it was said by Voltaire that this was the only case in which a treaty of peace with the Indians had not been sanctioned by oath and never been broken.

In the instructions which he issued to the commis-

sioners in the province he said: "Be tender of offending the Indians. Make friendship and league with them. Be grave; they love not to be smiled upon."

It is curious that Penn believed the Indians to be of the Jewish race, that is, of the stock of the ten tribes, because, as he explains: "These tribes were to go to a land not planted or known, and in the next place I find them of like countenance and their children of so lively a resemblance that a man would think himself in Duke's Place in London" (where the synagogue stood and still stands) "when he seeth them. But this is not all: they agree in rites, they reckon by moons; they offer the first-fruits; they have a kind of feast of tabernacles; they are said to lay their altar upon twelve stones."<sup>1</sup>

Throughout his relations with the Indians he insisted on the maintenance of the true principles of the Christian religion. "I beseech God," he says, "to incline the hearts of all that come into these parts to outlive the knowledge of the native by a fixed obedience to their greater knowledge of the will of God; for it were miserable indeed for us to fall under the just censure of the poor Indian conscience, while we make profession of things so far transcending."

Penn was the author of an essay "On the Present and Future Peace of Europe by Establishing a European Parliament." His scheme was an early anticipation of the League of Nations based on the principle of equal representation of the principal Christian Powers.

The sovereign princes of Europe would, for the love of peace and order, agree to meet by their deputies in a general parliament, and there establish rules of justice for sovereign princes to observe one to another; before which sovereign assembly should be brought

<sup>1</sup> *A Description of Pennsylvania.*

all differences between one sovereign and another that cannot be made up by private embassies before the sessions begin; and that if any of the sovereignties shall refuse to submit their claim or pretensions to them, or to abide and perform the judgment thereof and seek their remedy by arms . . . all the other sovereignties united as one strength shall compel the submission and performance of the sentence, with damages to the suffering party and charges to the sovereignties that obliged their submission.

He does not conceive of a supreme Government set over the sovereignties, but rather of a confederation; and he pointed to the lamentable failure which followed from the idea of an acquisitive international society not based on Christian principles: "That they should take who have the power, and they should keep who can."

That failure showed what was the real voice of heaven and the judgment of God concerning war. He disposes of the delusion that peace is the end of war with that gentle gravity which is characteristic. "It is a usual saying," he says, "and as such it was taken up by Oliver Cromwell for his motto; yet the use generally made of the expression shows us that men seek their wills by war rather than peace, and as they will violate it to obtain them, so they will hardly be brought to think of peace unless their appetites be some way gratified."

An earlier plan of the kind was produced at the beginning of the seventeenth century by a Protestant statesman. It was called the *Grand Dessin* of Henry IV, the king who issued the Edict of Nantes and introduced toleration in France; but its author was his minister Sully. It set forth a scheme of a Christian republic or commonwealth composed of all the States which professed the faith of Christ, with such limitations and conditions

that each of the associates may find in it satisfaction with adequate security for the tranquil life of their people. It has been noted that it is the first application in the scheme of international government of the federal conception which was dear to the Calvinists.

The author rejects the idea of one supreme monarchy, whether temporal or spiritual. The spirit of God, he says, has given no sanction to a fifth monarchy established by the force of arms.<sup>1</sup>

That shadow of the ideas of the Middle Ages still hung over the politics of Christendom; but the statesmen and the thinkers in Protestant countries were searching for a basis of union which would assure peace without involving the sacrifice of religious or national independence of the nations. Sully, who was "singularly free from the pedantry of precedent," does not usually go back for authority for his ideas to the Bible or to antiquity; but realizing that his scheme was not one which could find immediate acceptance and realization, he pointed the example of David and Solomon to the French king. "God chose two kings after His own heart, David and Henry the Great, and let their lives, their virtues, their defects, their influence, and their fortunes resemble one another in almost every respect. And at the close of their days he put into the heart of each a noble, religious, glorious, and magnificent scheme giving them the grace and the means to make the preparations necessary . . . and yet for reasons known to Himself alone it was not His will that it should be accomplished by

<sup>1</sup> In the seventeenth century the power of Austria who claimed to be the successor of the Holy Roman Empire, and took as her motto "*Austriæ est Imperare Orbi Universo*" (A.E.I.O.U.), was growing dangerously in Europe, and threatened the Balance of Power.

their hands." The scheme was not, indeed, to be accomplished for another three hundred years.<sup>1</sup>

While Protestant statesmen were conceiving schemes of international government based on the idea of representation and federation, similar to the organization of the Protestant Churches, Protestant jurists, the successors of Grotius, were elaborating the ideas regarding a law of nature which should become a law of nations. The science was regularly called in the seventeenth and eighteenth centuries "The Law of Nature and Nations": and in this formative period it was essentially ethical and even theological. Zouch, Barbeyrac, Pufendorf, Christian Wolff, and Vattel, the principal writers on the Law of Nations in the seventeenth and eighteenth centuries, are Protestants. They share the conviction that the relation of States with each other should be based on the Christian duty, and that the principles of the Gospel should dominate those relations not less than the relations between families and individuals. "The lingering conception of Christendom as a unity remained to inspire International Law." As against the Roman Catholic jurists of the Middle Ages, they replaced the principle of authority by precepts of the Hebrew Bible and the Gospel, which they equated with the law of nature.<sup>2</sup> Thus Barbeyrac, a disciple of Grotius, maintains that the

<sup>1</sup> The projects of European union were not confined to Protestant statesmen and jurists. Among the more notable was that of Cardinal Alberoni "for reducing the Turkish Empire to the obedience of Christian Princes, together with a scheme for a Diet for establishing public tranquillity." The author, the chief Minister of Spain, was in the succession of Dubois; but it is significant of the march of toleration that he proposed that the religious questions within the Empire of Constantinople should be established on the basis of the Peace of Westphalia.

<sup>2</sup> So much of the Old Testament as declared natural law was binding: and that included the Ten Commandments.

will of God must be the sole foundation of international obligations, and there must be a sovereign to impose the obligations. Our reason is only ourselves; and nobody can impose a thing on himself. He rejects that part of the reasoning of Grotius which held that the law of nature was independent of God. Zwingli, one of the founders of the Protestant Churches, declared that the law of nature was written by God on our hearts and uttered in the Decalogue. It is nothing else, he said, than true religion. Christian Wolff, a German jurist of the early part of the eighteenth century, who styled himself Professor Generis Humani, declared that the Christian principle of love should be applied in the relations between nations. The States were members of a *civitas maxima*, which took the place of the *civitas dei* that the Roman Augustine had conceived. They are bound to one another by duties equal in extent to those which they owe themselves. The trouble in practice, as Westlake has remarked, was that the right of a nation to what other nations naturally owe it was an imperfect one and little recognized.

Vattel, a Swiss who wrote a famous treatise on the law of nature and nations in the period before the outbreak of the French Revolution, maintained similarly the application of Christian principles. The conclusion of the doctrine of international law at that period is most concisely summarized by the French essayist Montesquieu: "The law of nations is founded on the principle that the different States must in peace do each other the greatest possible good, and in war the least possible evil without injuring their own interests."<sup>1</sup> That same principle was carried into the ideology of the French Revolution by

<sup>1</sup> *Esprit des Lois*, I, 3.

Jean Jacques Rousseau. The principles of rational philosophy expounded by the Encyclopaedists of the eighteenth century in France, and above all by Voltaire, were leading men to the same conclusion as the principles reached by the Protestant jurists starting from the idea of humanity as the children of one God. The leaders of the French Revolution laid down that no aggressive war was permissible, thus anticipating the Pact of Paris by one hundred and fifty years. They repudiated war, to use the modern terminology, as an instrument of national policy. Thus Condorcet declared that the French Republic will take up arms only for the maintenance of her liberty, the preservation of her territory, and the defence of her allies. Another moral leader of the Revolution, Abbé Grégoire,<sup>1</sup> declared that the particular interest of one people must be subordinated to the general interest of the human family.

The thinkers of the Revolution marked the contrast between the ideal plans of the jurists and publicists and the actual dealings of the European States. Thus Rousseau, in his pamphlet urging a union between the nations, says: "I read books on right and morality, I listen to learned men and lawyers. . . . I look up and out, I see the horizon aflame, the countryside desolated, the cities given over to pillage. . . . I look on a scene of murder, men slaughtered in their thousands . . . death and agony everywhere. This then is the fruit of your organization for peace."<sup>2</sup> He saw that in the absence of sanctions

<sup>1</sup> The Abbé was the champion of Jewish emancipation in France. It was he who declared before the National Assembly in 1789: "Fifty thousand Frenchmen arose this morning slaves; it depends on you whether they shall go to bed free men."

<sup>2</sup> Vattel, too, starts his *Treatise on the Law of Nations*: "Our maxims will appear very strange to the policies of cabinets."

the dictates of international law are phantoms, with even less power than natural law. His solution was a federal union of Europe. Another jurist philosopher at the beginning of the eighteenth century had conceived a bolder idea for putting an end to the incessant wars and securing a rule of law over peoples. Leibnitz, who like most of the political philosophers of the seventeenth and eighteenth centuries rejected the idea of a universal monarchy whether temporal or spiritual, sketched the plan of a federation of religions which would be the basis of a fresh unity in Europe, such as the spiritual supremacy of the Pope had sought but had not succeeded in obtaining.

He was contemptuous of the schemes of world peace by a federation of the nations secured by treaty, and remarked that they reminded him of the inscription outside a churchyard which ran "Pax Perpetua." "For the dead it is true fight no more, but the living are of another mind, and the mightiest among them have little respect for treaties."

The eighteenth century saw a revival of the belief in a state of nature, such as had been held by the Greek and Roman philosophers, when all men and things were at peace. As it is put in Pope's *Essay on Man*:

The state of nature was the reign of God:  
Self-love and social at her birth began,  
Union the bond of all things, and of man.

Hobbes, the dominant political philosopher of England in the eighteenth century, stated the condition of man according to nature more correctly—"Homo Homini Lupus." The pseudo-historical theory had no basis; but, on the other hand, the bitter fact was that, since

the rejection of the rule of the Christian Church over Christendom, every nation was in a state of nature, that is, of savage nature, towards every other State, standing outside law, owning no control but its own, recognizing no legal rights to other communities. International law tended to be the limit of the conscience of the strongest King or State.

A more constructive direction was given when the leaders of the colonists in the American States, reasoning from Christian principles, laid down the rights of the individual man as liberty, equality, and an opportunity to obtain happiness. The striving for social justice based on the principle that all men are created equal inspired the War of American Independence and subsequently the French Revolution. In America the movement was dominated by the religious conscience: in France by the philosophies of reason; in both countries it was ultimately derived from the principles of the Reformation, which in this sense is completed by the Revolution.

To complete the sketch of the influence of religion on the relations of Western nations between the sixteenth and eighteenth centuries, we must return briefly to consider the development of the Papal power. At the beginning of the period of the Reformation the power of the Papacy, temporal and spiritual, seemed to be crumbling to pieces. It lost and never regained its sway over the northern part of Europe; but it was able to recover a large part of its power over the southern and eastern States because it was reformed from within. The necessity of reform and of the spiritual regeneration of the Catholic Church was acknowledged within the Church and induced the movement known as the counter-Reformation. The religious orders were revived; and two new and powerful

forces came into being: the Inquisition, or the Holy Office of the universal Church; and the Society of Jesus, commonly known as the Order of Jesuits. The Inquisition was set up at Rome in 1342 to combat heresy, but reached its greatest and most powerful development in the latter part of the fifteenth century in Spain and Portugal, where Christendom had at last prevailed over the Moors; and contrived to crush out by violence and irresistible force Christian heresy on the one side and Judaism and Islam on the other.<sup>1</sup> The Society of Jesus, on the other hand, was a powerful machinery and organization working by moral and intellectual forces. It spread not only throughout Europe but to Turkestan, China, and the Indies; and was a most effective instrument for carrying Christianity to the peoples of the New World.

The founder of the Order, Ignatius Loyola, had originally the ideal of a fresh crusade to recover the Holy Land for Christendom. He sojourned some time in Jerusalem, and was forced to leave because his dangerous enthusiasms were known. He then offered his services to the Pope to assist in re-establishing Catholic supremacy. He formed a band of devotees to extirpate Protestantism and to expel the half-hearted brethren instead of extirpating the infidels. The Society of Jesus was founded in 1540, and sent out its preachers and teachers to the new and the old Indies. A new continent was won by their efforts to Christendom, to compensate for the fall of the Byzantine Empire to the Turks. It was the function of Spain in the sixteenth and seventeenth centuries to spread the Catholic Christian faith to the New World, and to

<sup>1</sup> Ferdinand of Spain, indeed, at the capture of Granada, promised the Moslem Moors respect for their institutions, religion, and language; but a few years later he proceeded to force Christianity upon them.

establish there unity of creed and the brotherhood of believers. The Society of Jesus retained its power in Spain till our day, when it was dissolved by the Republic.

If the influence of the Catholic Church was maintained and spread by the new instruments, the power of the Pope himself was largely effaced during the sixteenth and seventeenth centuries while the wars of religion were mercilessly waged between Catholic and Protestant States.<sup>1</sup> The Pope lost his power of the peacemaker, save in the "Eastern Marches," where he could still claim to unite the Christian States against the menace of Islam. In 1526 he made a truce between the King of Poland and the Prince of Moscow; and in 1581 a Papal Nuncio induced Ivan the Terrible and the King of Poland to make peace. But although in the seventeenth and eighteenth centuries various Popes struck coins to commemorate the peace secured by them, the power of the Holy See in international affairs was almost eliminated. Occasionally a publicist suggested the revival of the peacemaking power. Thus the Abbé St. Pierre in his scheme of world peace proposed that the Pope should have one of the twenty-four places in the world-Senate, while Leibnitz, commenting on this proposal, suggested that the Pope in his Council should exercise a supreme judicial authority over princes. In the eighteenth century,

<sup>1</sup> The Peace of Passau, 1552, confirmed by the Diet of Augsburg, marked the definite break of the unity of the Church; but the Council of Trent, held between 1552 and 1562, emphatically restated the principles of mediaeval Catholicism. If the external power of the Church was broken, its internal cohesion was to be strengthened. We may note the characteristic of the Roman Church to emphasize its claims the more that the world challenges them. Like the Council of the Vatican in 1870, the Council of Trent in 1562 insisted on the complete supremacy of the Pope and the rejection of all liberal ideas. This uncompromising attitude forced the issue: and destroyed any hope of intellectual unity between the Christian powers. Catholics and Protestants must fight out the issue to the bitter end.

however, the idea of a religious International Tribunal applying a rule of law between the nations could not prevail over the reigning principle of the balance of power and the reigning practice of military alliances. And when the political and social order collapsed, men's minds turned not to the Church with its outworn claims and institutions, but to the dictates of reason and the yearning for a new and happier world.

In his lectures on the development of civilization in Europe, Guizot points to the remarkable similarity of destiny between civil and religious societies that is exemplified in the Reformation and the French Revolution. The Christian Society began as a number of free communities formed solely in virtue of a common creed, without institutions or government, and regulated only by moral powers. Then it placed itself under the aristocratic government of a body of clergy, and soon left that aristocratic form to assume that of a monarchy. The Pope, succeeding to the prerogatives of the Roman Empire, became supreme head of Christendom, and in the sixteenth century occurred the revolution against his monarchy. Similarly, in the civil society of Europe there was a development from the free, almost anarchical, communities of the early Middle Ages, through the aristocracy of the feudal period, to the powerful monarchies of the period following the Reformation. The French Revolution marked the rise of the people against the monarchical tyrannies; and, universalizing in Europe the principles of the American Declaration of Independence, ushered in a new era of human history.

## CHAPTER VI

### FROM THE FRENCH REVOLUTION TO THE END OF THE GREAT WAR, 1918

THE French Revolution was essentially the fulfilment and the completion of the Reformation. The Reformation emphasized the right and the dignity of the human individual against the power of authority, which was one aspect of Christianity, and minimized the principle of a common humanity, which was another aspect of the universalized Hebraic teaching. The Revolution re-established the first principle, and applied it in the Declaration of the Rights of Man. At the same time it revived the idea of the solidarity of mankind, and the union of the peoples. Its ideas in this direction, indeed, were obscured in the attempted world conquest by Napoleon in order, as he said, to establish lasting peace; but they continued to work in European society throughout the nineteenth century with what may seem a painful slowness and with a tragic break in the Great War. Nevertheless, the pursuit of the ideal, at once religious and national, of a common humanity may be traced in the movement of thought throughout the period. It was struggling with the principle of the sovereign rights of nationality which was the prime motive of world policy between the French Revolution and the Great War, and was the cause of forty-four wars between 1815 and 1915. The branch of sovereign nationalism also blossomed from the tree of the Revolution, and was stronger for a century than the branch of international fraternity. The peoples as nations took over

the powers and rivalries which their kings used to display.<sup>1</sup>

One of its first achievements was the abolition of the Holy Roman Empire, which had become since the Reformation a feeble and mischievous ghost of the conception of Gregory and Charlemagne. Its principal manifestations, however, were the deliverance of the Christian peoples of the Balkans from Turkish rule and the consolidation of Italy and Germany into national States. The European democracies fought for the right of separate State existence as relentlessly as, after the Reformation, States composed of conflicting religious nationalities had fought for independence from Roman domination. Religious differences between the subject nationality and the sovereign stimulated the national ardour, particularly in the Balkans, but were no longer the main motive of strife.

The competing idea of human solidarity inspired at the beginning of the period various schemes of world government. It received its most philosophical expression at the beginning of the nineteenth century from the German philosopher, Immanuel Kant. His treatise on *Perpetual Peace* is based on purely ethical reasoning, free from theological ideas; and in that he makes the characteristic approach of the new age which separated Church and State. Hitherto the schemes for establishing peace between the peoples had been devised by religious men starting from the principles of religion. In the nineteenth century the movement flows in two streams—one with its source in reason, the other with its source in religion. But both move together towards the idea of

<sup>1</sup> One of the articles of the Declaration of the Rights of Man declares: "Le Principe de toute Souveraineté réside essentiellement dans la Nation."

the recognition of a common humanity and the reign of law. By close reasoning Kant shows that perpetual peace is the final good of ethical philosophy, the end of humanity demanded by reason; the aim of morals and of politics coincide. But he saw, too, as clearly as the Hebrew prophets, that peace could not be established except on the basis of justice. The condition of it, therefore, is the recognition by States that their dealings must be regulated by the same principles of justice and morality as govern the conduct of moral individuals. His thesis is the philosophical counterpart of the prophecy of Isaiah. He demands the inner regeneration of man; for the attainment of an ideal depends essentially upon a moral revolution. In each State there must be perfect honesty in act, and good faith in the interpretation of treaties. He looked to culture and education and morality to reform first the internal affairs and then the foreign relations of the State. The more highly developed the individuals who form a State, the more developed will be the consciousness of its obligations to other nations. First the country must obtain a perfect constitution according to right, and then there will be a federation of law-abiding Powers. Justice will reign not only in the State but in the whole human race when perpetual peace exists between the nations of the world. He ends his essay on a decisive note: "If it is our duty to make equal the conditions of public justice, and if there is reasonable hope of so doing, though only in gradual but unending approximations, then perpetual peace, which will follow on peace treaties, hitherto falsely so called, is no empty dream."

Kant was justified in the reference to the "Peace Treaty falsely so called." The Treaty of Vienna, which

was made at the conclusion of the Napoleonic Wars in 1815, did not correspond with Kant's principles any more than the Treaty of Versailles made at the end of the Great War corresponded with the principles of President Wilson. It is one of the worst consequences of the devastating wars of modern times that the Moratorium of Ethics which they involve continues to the peace-making at their conclusion, and so plants the seed of future wars. The Treaty did, however, contain one manifestation of the growing recognition of humanity which was inspired by a religious idea. It provided for the abolition of the slave trade; and, as it has been put, "staged a masque of the chief political vices with the crowning of virtue for an interlude." The demand for abolition was the work of a band of English Evangelical Christians led by Wilberforce, who roused English opinion to the disgrace of the slave trade that was ruthlessly pursued by the European peoples in the seventeenth and eighteenth centuries. The Quakers had prohibited it in their colony of Pennsylvania since the end of the seventeenth century. The French, too, demanded the abolition on the basis of their revolutionary principle of human equality.

A hundred years before, Montesquieu had challenged the practice with his gentle irony (*Esprit des Lois*, Bk. XV, chap. 5).

If I had to define the right we had to make negroes slaves, I should say—the peoples of Europe having exterminated those of America had to enslave those of Africa in order to use them for preparing the lands. Agriculture would be too dear if the lands were not cultivated by slaves. These people are black from head to toe and have snub noses, so that it is almost impossible to pity them. We cannot imagine that God who is wise can put a soul, or a good soul, in a black ugly body. . . . It is impossible to suppose that these people understand. If they did, we should begin to believe that we

are not Christians. Little minds exaggerate the injustice done to the Africans. If it were as they represent it, would it not have entered the heads of the living princes who make so many useless treaties to make a general treaty in favour of pity and mercy?

The Revolution converted the irony of a philosopher to the conviction of a nation. In the English Parliament a bill abolishing the trade had been passed in 1807; and the English delegation, wherein "Wilberforce represented the conscience of England," succeeded in persuading the Congress of Vienna to lay down the abolition of the infamy as a principle of public law.

Slavery, indeed, still subsisted internally in certain countries and was regarded as in accordance with the law of nature. The American Civil War, which broke out nearly fifty years later, had as one of its motives the stirring of the Christian conscience in the northern section of the United States against the legacy of the evil.<sup>1</sup> It took more than a hundred years to complete the work. An article of the final Act of the Berlin Conference, 1886, directed the signatories to co-operate in the suppression of slavery. The slavery convention made between all the members of the League of Nations at the conclusion of the Great War in 1920 marks the final acceptance by the civilized world of the religious principle of human equality. Its principles are reinforced in a Convention concerning forced labour which was adopted by a conference of the League of Nations in 1930, and

<sup>1</sup> Stephens, the Vice-President of the Confederate States, declared that the government of the Secession States was "founded on the great truth that the negro is not equal to the white man; but slavery and subordination to the superior race is his natural and normal condition. . . . Secession became necessary when the North refused to recognize the great moral, political, and religious truth that there can be no other solid foundation than the slavery of the negro. It is indeed in conformity with the ordinances of the Creator."

was prompted by the representations of Christian missionaries in Africa, that compulsory labour of the natives, such as was still practised in some colonies, was a denial of those fundamental rights.

Christian ideas of humanity influenced another of the principal actors in the Congress of Vienna in a different way. Alexander I, Tsar of Russia, was moved in his public and private conduct by mystic piety; and he sought to establish a Holy Alliance of the European kings with a mission to substitute in all public relations the principles of the Gospels of Christ for the evil tradition of self-interest, and to enforce them by a secular instead of an ecclesiastical authority. The one thing necessary was to proclaim the adhesion of all Governments and of all public men to the principles of Christianity. A clear standard of right and duty would be set up. The Governments of Europe, faithful to these ideas and free from the threat of revolution, would lead their peoples along the path of friendship and peace.<sup>1</sup> The convention embodying these principles was signed by all the sovereigns of Europe, great and small, except the Pope and the Sultan. The Pope was too busy with a new crusade against liberalism; the Sultan was not invited to sign, as the integrity of the Ottoman Empire found no place in the guarantees of the Vienna Treaty.<sup>2</sup>

By one of the ironies of history the Holy Alliance has come to be regarded as a symbol of all that was

<sup>1</sup> Temperley, *Europe in the Nineteenth Century*.

<sup>2</sup> The Sultan of Turkey was admitted into the International Society of Europe at an assembly of the Powers after the Crimean War in 1856. Napoleon Bonaparte, reflecting the spirit of the French Revolution concerning the rights of man, was the first European in the East to recognize the place of the chief ruler of Islam in a community of States; there is an interval of fifty years before the sovereigns of Europe adopted his principle, and then it was imperfectly adopted.

oppressive and reactionary, because, together with its declaration of Christian principles, it laid down the doctrine that the Christian sovereigns were to assist each other in maintaining not only the integrity of their kingdoms but their existing constitutions. That part only of the large scheme of the Tsar was allowed to have effect. The cynical Metternich declared that it was "a loud-sounding nothing"; and the less cynical English Minister, Castlereagh, that it was "a piece of supreme mysticism and nonsense." The latter diplomatically declared that the plan of Alexander for the confederation of Europe may be considered as constituting the European system in matters of political conscience. "It would, however, be derogatory to the solemn acts of sovereigns to mix its discussion with the ordinary diplomatic obligations which bind State to State and which are to be looked for alone in the treaties which have been concluded in the accustomed form." In this way the Christian principle was relegated to the safe obscurity of a declaration, and the British Foreign Minister, Canning, could declare in 1823, "Things are getting back to a wholesome state again; every nation for itself, and God for us all."

Great Britain protested successfully against the principle of intervention in the internal affairs of other States. She did so on behalf of the fundamental idea of the liberty of the peoples; but the effect of her opposition to the Alliance was to keep moral and religious ideas divorced from the political affairs of Europe. The new wine of nationalism finally broke the old quasi-mediaeval bottle of the Alliance in 1848.

If the Christian aspiration of the Holy Alliance remained a problem of speculation and hope, without effect on policy, a similar fate overtook the plan for the

revival of the spiritual domination of the Pope. That plan was put forward by the leaders of the romantic Catholic revival in France which followed the wars of the Revolution. "The challenge to tradition led to a temporary regeneration of the Latin Church as the head of a Christian commonwealth. In a famous book entitled *Du Pape*, De Maistre in 1819 sought to revive the doctrine of Papal supremacy, the recognition of the Pope in all causes, temporal and spiritual, as the inspired guide of the Christian nations.<sup>1</sup> But the cause broke on the rock of the temporal sovereignty of the Pope in Italy, which roused against the Church the ardour of liberal minds, not only in Italy but through Europe.

Yet it is remarkable that an English Protestant, a Liberal knight-errant, who had fought in the War of Greek Independence, conceived the idea of restoring the Pope as the spiritual sovereign. David Urquhart published in 1869 an appeal of Protestants to the Pope to restore by his edict the law of nations according to Christian principles. The year previously a body of English Catholics made a similar appeal to the Pope.

Let us look back to the ancient institutions, the College of the Fetials, who contributed powerfully to the grandeur of Rome and even to the law of the Moslems. Similar laws appear to us to be necessary in a good society. If the Catholic Church does not raise her voice, these traditions will disappear in Europe, crushed by material interests and by the aspirations of vainglory. . . .<sup>2</sup>

The proposal for a restatement of international law on Christian principles was on the programme of the Vatican Council in 1870. But the outbreak of the Franco-

<sup>1</sup> De Maistre was the founder of the Catholic movement Ultramontanism, which was so called because it looks for inspiration beyond the Alps to Rome.

<sup>2</sup> See Müller, *The Work of the Christian Churches for International Peace*, I, 372. *Recueil des Cours*, 1930.

Prussian War during the sessions of the Council cut short its deliberations; and nothing resulted on this head, save that the members of the Concilium proposed to the Pope that the Council should declare authentic the passages of the Canon law which treat of the law of nations and of war. The Pope in this period of combative nationalism could not work whole-heartedly for international peace because he was concerned for his own temporal power, which forced him to take sides in the international struggles.

The Vatican Council of 1869-1870 was the first oecumenical assembly held for three hundred years since the Council of Trent assembled after the Reformation. It was conceived "as an extraordinary remedy for the extraordinary needs of the Christian world." For three hundred years the spiritual and civil powers of the world had been parted; and the Christian Governments were lapsing into the state of pagan Caesarism by which the State was deified.<sup>1</sup> A few months after the termination of the Council, the temporal power of the Pope was broken. In September 1870, after the outbreak of the Franco-Prussian War had caused the French troops which protected the Papal power to be withdrawn, the Italian troops occupied Rome, save the Leonine city of the Vatican. The Pope, Pius IX, resisted to the bitter end, and would not surrender till a breach was made in the walls of the city.

Immediately before the loss of the temporal power, he had revived in an extreme form the ecclesiastical claims of the Roman Pontiff of the Middle Ages. "He flung down the gauntlet of challenge to the nineteenth-century

<sup>1</sup> See "The True Story of the Vatican Council," by Cardinal Manning, *The Nineteenth Century*, 1876.

civilization."<sup>1</sup> He first published a *Syllabus of Errors* in which he maintained unmodified the claims of authority over civil affairs and opinion. Socialism, Communism, and Bible societies are condemned together as pestilence. It is an error of civil society to hold that kings and princes are exempt from the jurisdiction of the Church. It is an error to separate the Church from the State or the State from the Church. The sons of the Christian and Catholic Church are not divided in opinion as to the compatibility of the temporal sovereignty with the spiritual. (This was inserted to uphold his claim to political territorial sovereignty.)

The last thesis of the *Syllabus* is that a Roman pontiff cannot and ought not to reconcile himself or come to terms with progressive liberalism and modern civilization. Finally, at the Vatican Council he succeeded in carrying a decree asserting Papal infallibility. The decree, entitled *Pastor Æternus*, pronounces "the infallible *magisterium* of the Roman Pontiff."<sup>2</sup>

Thus, as at the time of the Reformation, the Catholic Church stood against any compromise with new ideas, and reasserted its full claim of divine authority over human action and human thought. Yet it is a remarkable proof of the vitality of its religious ideas that it has contrived to retain moral power in an atmosphere which is repugnant in many ways to it. One significant change

<sup>1</sup> Bury, *The Papacy in the Nineteenth Century*. Macmillan, 1930.

<sup>2</sup> "It is a dogma divinely revealed; when the Roman Pontiff speaks *ex cathedra*, and, in virtue of his supreme apostolic authority, he defines a doctrine to be held by the universal Church concerning faith or morals . . . he enjoys that infallibility by which the Divine Redeemer wished his Church to be instructed in the definition of doctrine concerning faith or morals; and therefore such definitions of the Roman Pontiff are irreformable of themselves, and not by virtue of the consent of the Church. Whoever shall presume to contradict this our definition, let him be anathema."

was made in 1870 from the procedure of former Papal Councils. The temporal princes were not invited because they were no longer true Catholics. On the other hand, when the temporal dominion of the Pope was taken away, the Italian State passed a Law of Guarantees, by which the head of the Roman Catholic Church should have all the necessary assurances for the independent exercise of his spiritual power.

The opposing idea of the government of humanity by free peoples living in harmony and co-operation, without a temporal or spiritual overlord, was stated most impressively by another Italian of the nineteenth century, the prophet of modern nationalism, Joseph Mazzini. For him nationality was essentially a religious and moral conception. It was the link divinely conceived between the individual and the family and humanity. Each people, he said, has its particular mission by which it makes its contribution to the fulfilment of the general mission of humanity; it is that mission which constitutes its nationality. Nationality is a sacred thing and a religious idea. But there must be complete freedom of opinion, and neither national nor religious tyranny. As he put it in his essay *From the Council to God*:

Mosaism elaborated the idea of the divine unity and preserved the sacred deposit for the future by incarnating it in a people. . . . Hold sacred the religious faith which unites millions in a common past of love and action, but hold sacred also the heresy wherein, it may be, lies the germ of the faith of the future. Represent the first in your fraternal associations; but fail not to protect the second from all intolerance.

Or again, in the same essay:

The reign of the Caesars gave a unity to civilization which force imposed on Europe. The reign of the Popes gave a unity to civiliza-

tion that authority imposed on the Christians. The reign of the people, when you Italians are nobler than you are now, will give a unity to civilization accepted by the free consent of the nations for humanity. . . .

Mazzini was in revolt against the Roman Church, but he was essentially a religious teacher, a truer successor of the Hebrew prophets and of the founders of the Christian teaching than the ecclesiastics of the Vatican. His struggle for the union of the Italian nation he conceived as a sacred religious struggle. "Political parties," he said, "fall and die; religious parties never die until they have achieved their victory, until their vital principle has attained its development and become identical with the progress of civilization."

Another and less noble conception of nationalism, however, prevailed in Europe during the latter part of the nineteenth century. Going beyond the standpoint of Hegel that a State is a realized ethical idea, it asserted the absolute claims of the sovereign nation against humanity. It is expressed most clearly in the writing of a German philosopher, Nietzsche. He sought to revive the pagan creed of Thor and Odin, the worship of might and valour, which had been the primitive faith of the ancestors of the Germans.

Ye have heard [says his new Zoroaster] how it was said.—Blessed are the meek: for they shall inherit the earth. But I say unto you, blessed are the valiant, for they shall make the earth their throne . . . and ye have heard many say—blessed are the peacemakers; but I say unto you, blessed are the war-makers, for they shall be called, if not the children of Jehovah, the children of Odin, who is greater than Jehovah.

It was that spirit of unrestrained militant nationalism spreading from Germany to western and eastern Europe

that brought about the calamity of the Great War. It had as its motive the divorce of the principles of Hebraism, as embodied in Christianity, from national policy, and the revival of the pagan outlook on peace and war and on the relation of the individual to the State. Another German exponent of the doctrine, Treitschke, in his theory of the State lays down that the individual must sacrifice himself for the community of which he is a member. The State is the highest thing in the community of men, and so it cannot impose upon itself any obligation of self-denial. The Christian duty of self-sacrifice does not exist for the State because there is nothing higher than self. The sacrifice of the State to a strange nation is not moral, but is contrary to the idea of the affirmation of itself. That is a modern restatement of the Machiavellian "amoral" doctrine, which held sway not only in Germany but in a large part of Europe and led to disaster.

Against that outlook the humanitarian idea was struggling throughout the century. It showed itself in part in the organization of peace societies based on religious teaching. The first of such societies was founded in New York by one David Dodge in 1815, at the end of the Napoleonic Wars, on the basis of a pamphlet that war was inconsistent with the Christian religion. The first British society was founded a year later. In the first half of the century the societies throughout the world were working in isolation, mainly engaged in propagating religious and humanitarian pacifism. At a later stage, under the influence of the Free Trade movement, economic ideas were combined with the idea of peace; and the societies co-operated with other groups working for humanitarian objects such as temperance and the aboli-

tion of slavery. Gradually their programme became more practical, and they looked less to a strict pacifism than to the spread of international law and to the introduction of humanitarian principles in the conduct of war.

The first International Conference of the Associated Peace Societies was held in London in 1843. At a subsequent conference in Paris in 1849 Victor Hugo prophesied that a day would come

when a cannon-ball would be exhibited in a public museum just as instruments of torture are now, and people will be amazed that such a thing could be. . . . And a day will come when those two immense groups, the United States of America and the United States of Europe, will be so placed in the presence of each other working for the good of those two irresistible powers, the fraternity of man and the power of God.<sup>1</sup>

At the end of the nineteenth century the movement bore fruit in another attempt of a Russian Tsar to give effect to Christian principles in international relations. Nicholas II summoned a conference of all the States of the world, the first which had been held, at The Hague in 1899, to discuss the establishment of international arbitration as a means of settling the differences between nations and putting an end to war. One of the influences which moved him was a book on the *Future of War*, by a Polish Jew of Warsaw, Jean de Bloch. The theme of the book was that war will finally become impracticable because it will be so unthinkable and unbearably destruc-

<sup>1</sup> The history of the movement has been most fully recorded by a Jewish internationalist, Fried, who was one of the prominent leaders of the Peace organization, and one of the first winners of the Nobel prize for Peace. Another expression of the humanitarian ideal of the nineteenth century was the religion of Humanity, which was conceived by the Positivist philosopher Comte. The idea of God is superseded by the idea of the Great Being, Humanity, as the object of the universal religion.

tive. The question before humanity was, When would that truth be recognized among the Governments and the peoples? His appeal to common sense and to humanity failed at the beginning of the twentieth century; it has since been strengthened by the experience of the destruction and the convulsions of the World War, which realized all too fully what he had foretold.

Another Russian writer to call the world to peace—in vain—was Tolstoi, who demanded a return to the principles of literal Christianity.<sup>1</sup>

The Hague Conference, at which at last "all the world was in one room," did not fulfil all the hopes of its convener; but it did succeed in framing a system of international arbitration which was further developed in a second conference at The Hague in 1907. Its main achievement, however, was an effort, not to substitute arbitration for war, but to humanize the conduct of war on land and sea. The conventions which sought to give effect to certain principles of humanity did not stand the strain of the Great War, but they exemplified the movement of opinion.

The remarkable development of the international law of peace during the nineteenth century is another illustration of that movement. It was largely the work of jurists moved, like the founders of the science, by

<sup>1</sup> In his book, *The Kingdom of God is Within You*, Tolstoi declared that, from its first appearance, there entered into Christianity two opposite currents: the one establishing a new conception of life which it gave to humanity, and the other perverting the true Christian doctrine into a pagan religion. This contradiction has attained in our day the highest degree of tension which expresses itself in universal armaments. In a later book entitled *Christianity and Patriotism*, he maintained that patriotism was no longer a virtue, when it required from men not the recognition of brotherhood and equality of all men, but the recognition of one State and nationality as predominant over the rest, which was directly opposed to the ideal of the Christian religion and morality.

religious principles, even if they were no longer swayed by theology. Thus Sir Henry Maine, one of the outstanding English international jurists, in lectures given in 1887 at Cambridge, lays down that there is a natural and positive law of nations. By its provisions every State in relation with other States is bound to conduct itself with justice, good faith, and benevolence. "The Christian nations, above all, are bound together by the brighter light and the more definite sanction which Christianity has communicated to the ethical jurisprudence of the ancients, and have established a law of nations peculiar to themselves. They form together a community united by religion, morals, and humanity."<sup>1</sup>

War, however, was still regarded as a necessity of the international society. The change of ideas that has taken place since the latter half of the nineteenth century with regard to the relation of religion to war may be appreciated by a glance at a book published in 1879<sup>2</sup> by one of the leaders of the English Church. The mutual slaughter of the peoples of Christian nations in war is not, by the law of the Church, as he argues, the slightest break in the Christian fellowship. The communion of the Church unites one side spiritually with the other. . . . The Christian recognition of the right of war was contained in Christianity's original recognition of nations as constituting at the same time the division and structure of the human world. War is one of the inherent rights of nations, because, under the division of mankind into distinct nations, it becomes a necessity. Each people is a centre to itself without amenableness to any other centre. Questions of justice and right which arise between them

<sup>1</sup> See Maine's *International Law*. John Murray, 1890.

<sup>2</sup> Mozley, *University Sermons*. London, 1879.

cannot be decided except by mutual agreement or force. War corresponds between nations to the judicial settlement of disputes between individuals; and so comes also within the Church. It is this judicial character of war, and its lawful place in the world as a mode of obtaining justice, that gives it its morality and enables it to produce a solemn type of character.

The writer does not contemplate any escape from war. A government of nations would be nothing short of universal empire; and can that be accomplished by any progress? Whatever approximations may take place towards a relaxation of the national tie, the alternative is still inexorable between independent nations and universal empire; and as universal empire is impossible, only division in nations remains. He rejects the idea of international arbitration for serious issues. It is difficult to see how in questions vitally affecting its basis and safety a nation could go on any other sense of justice than its own.

He rejects still more brusquely the suggestion of the application of Christian principles to the affairs of nations.

It may be said, why may not a nation give up its rights on the principles of humanity and generosity as an individual does? But to impose such humility on a nation would be to impose on it something quite different in ethical constitution from the same humility in an individual. The national abandonment of rights means the individual sacrificing the nation. . . . Thus every prospect which the progress of society appears to open of eradicating war from the system of the world closes as soon as we examine it.

Nevertheless, the appeal to Christian principles in the differences which arose between nations—minor Powers it is true—was occasionally successful. A notable example was the peaceful settlement of the quarrels of the two

South American States, Argentine and Chile, through the intervention of the Pope. That achievement was commemorated by a vast statue of Christ carved in the rock on one of the highest of the Andes mountains with the following inscription:

Sooner shall these mountains crumble into dust than Argentine and Chile shall break the peace to which they have pledged themselves at the feet of Christ.<sup>1</sup>

A few years later, in 1905, the Papal Nuncio carried out an arbitration between Brazil and Bolivia; and the Pope was nominated as arbitrator in a treaty of permanent arbitration between Colombia and Peru. When in recent years war threatened between Bolivia and Peru, the Pope intervened, together with the League of Nations, successfully. If Europe has not returned to her old allegiance, South America is turning to the Pope to fill his historical role of judge between his nations. Yet it is notable that the various States, though all Catholic, jealously guard their national independence.

It is one of the minor but tragic ironies of that fatal year 1914 that the leaders of the peace movement within the Christian Churches had planned for the month of August two conferences which were to give a more solid foundation to the religious organization of peace. On the very day that war was declared between Germany and Russia representatives of the Churches other than the Roman Catholic assembled at Constance, and in spite of the outbreak of war formed a world alliance for promoting international friendship through the Churches. They laid down the principles of the Alliance which are set out in Chapter I above.

<sup>1</sup> A copy of the statue has been placed in the Palace of Peace at The Hague.

In that same fatal year 1914 Andrew Carnegie founded in America the Church Peace Union, with the intention that the combined religious life of America should be brought to bear on the question of securing peace on earth.

The societies all over the world working for peace kept alive their movement with conviction and enthusiasm throughout the Great War. Their main ideas were embodied in the Covenant of the League of Nations, which was brought into existence in the Peace Treaties. The war itself proved the impossibility of maintaining Christian principles between enemies when once the passions of war are aroused. It proved, too, that in modern times, when war involves not only the armed forces but the whole population, a long-continued struggle compels the silencing of ethics. *Inter arma silent mores* might be the maxim. It was noted that religious emotion returned to its primitive form; and in every country led the people and the religious leaders of the people to claim the deity as their particular protector and to regard victory as a mark of His special favour, after the same manner as the peoples of Canaan or the Hebrew people in the time of the Judges and Samuel. Modern man in war reverts to the outlook of the primitive age when each tribe fought for its own god and expected its god to fight for it.<sup>1</sup>

Even the clergy subordinated to national limitations their faith in a gospel of charity. They were patriots before they were priests; and their patriotism was as limited and as narrow in many cases as that of the people who looked to them for light and truth. A leading divine in England wrote at the beginning of the war:

<sup>1</sup> Bryce's *War Addresses*.

"Men awoke to the discovery that the Churches had become parasitic, bestowing their facile consecration on every national ambition, and failing to rebuke any national crime." The disunion of the Christian Church was unconcealed and glaring.

During the war, indeed, the Pope made several attempts to be a peacemaker, as the head of all Christian Powers and the upholder of the rights of the Christian Churches. The first intervention was made a few months after the outbreak of war; and the final attempt was made in August 1917, when Benedict XV sought to frame general heads of peace. "Shall the civilized world," he wrote, "become a field of death?" Among the principles which he posited was the substitution of the moral force of right for the material strength of arms. His proposals received scant sympathy from the Allies. The United States Government in reply stated that every heart must be touched by the moving appeal of His Holiness, and fervently wish that we might take to the path of peace; but it would be folly to take it if it did not in fact lead to the goal which he proposed. England, France, and Italy did not deign to notice the appeal, presumably because the other Allied Powers had agreed in a secret treaty with Italy that they were to support her in not allowing the representatives of the Holy See to undertake any diplomatic steps having for their object the conclusion of peace.

It was not till the war was over and the nations were again assembled in a Peace Conference that the voice of the religious appeal for humanity could be heard. Then the World Alliance for International Friendship through the Churches renewed its efforts; and the gathering at The Hague in 1918 passed a declaration:

We are convinced that the time has come when a strenuous effort should be made by all Christians to realize all that is implied in Christ's teaching of the brotherhood of mankind, and to impress alike on themselves and on others that here alone lies the hope of permanent peace among the nations and of any true solution of social and industrial progress.

From the beginning of the nineteenth century two parallel streams had been working for international understanding and peace, the one having its source in religion, the other in social ethics. The catastrophe of the war brought it home to the thinking man that the existing international order was based on the false principle of absolute national sovereignty which, if it were maintained, was likely to imperil our civilization and bring it to an end. The world had become economically one, and the progress of the physical and mechanical sciences had, on the one hand, proved the unity of mankind, and, on the other, annihilated the old divisions of time and space. Unity in the sphere of economics and in the teaching of science does not, however, of itself produce a unified society. It was imperative that the moral and political order of the world should harmonize with these new circumstances; and so from the side of ethical philosophers there was a renewed demand for the organization of the international society on the basis of a common ethical unity. As it was put by Bertrand Russell: "There is now, if men have the courage to use it, an awakening of heart and mind such as the world has never known before."

The ideals of jurists and the doctrines of universal religion, which had for centuries outstripped the practice of statesmanship, are now necessary axioms of that statesmanship. From the religious side it was recognized that the Church had fallen too long below its highest

principles, and as a consequence there had been a *Götterdämmerung* of religion. Return must be made to the saving doctrines of another age of the destruction and renewal of society. The Church must be an international Christian commonwealth refusing to be moved from the principles of the Gospel. The Archbishop of York, preaching at Geneva before the Assembly of the Disarmament Conference in 1932, declared that the anti-social and anti-Christian relations of European peoples for centuries were the real cause of the chaos of the war. Men began to realize what Kant had pointed out at the beginning of the nineteenth century, that the hope of improving relations between the States and the peoples depended ultimately upon the moral progress of the individuals who composed the communities; and in that moral revolution religion must play a part.

## CHAPTER VII

### ISLAM AND THE NATIONS

FEW events in human history are more remarkable than the sudden appearance and triumph of Islam in the early part of the seventh century of the Common Era. In 629, the Christian Emperor Heraclius, a great warrior, crushed the Zoroastrian Persians who had captured Jerusalem and carried off the Holy Cross. He set up the Cross again in Jerusalem, and instituted a new festival to mark its restoration. In that same year some of his Arabian troops beyond Jordan were attacked by a small band of Arab tribesmen from the interior desert and barely escaped. Within a period of twenty years, what were regarded as the wild tribesmen of Arabia conquered a great part of the Eastern Empire of Rome which had been consolidated for nearly a thousand years, dominated Christianity in its original home, and established a progressive civil form of government over Arabia, Syria, Mesopotamia, Persia, and Egypt. The unification of Arabia by the Prophet himself, which preceded this astounding Arab conquest, was scarcely regarded by the rulers of the Roman Empire; but it was as miraculous. We are not concerned here with the story of the wars of the Prophet and his successors, but we must note the connection of his new religion with the two missionary monotheistic faiths which he to a great extent supplanted in the Orient.

His teaching was profoundly influenced by both Jewish and Christian doctrines that had been brought into Arabia. The Jews, from the time of the Roman

Dispersion, had established themselves in many parts of the Arabian Peninsula, and were active missionaries of their teaching and traditions. They found there a securer and more liberal home than within the confines of the Christian Empire. Prevented from spreading their faith within that Empire, they were the more induced to convert the pagans outside it. The Christians in Arabia were less numerous and less powerful; but they included a number of missionaries who were likewise seeking to win the Arab tribes from their paganism. The Prophet derived his ethical monotheism largely from Jewish doctrine; and it is significant that he originally instructed his followers to turn in prayer towards Jerusalem and to observe the Day of Atonement. It was later when the break had come with the Jews of Arabia—who opposed him—that the Kiblah was turned towards Mecca and the Fast of Ramadan was instituted.

The triumph of the followers of the new religion over the outwardly powerful Byzantine Empire was due to the disintegration—national, social, and religious—which had sapped the inner strength of that Empire. A debased Christianity and a corrupt Zoroastrianism had been fighting for a long period for dominion over the Eastern lands. “Incessant war for supremacy and perpetual internecine strife, combined with the ceaseless wrangling of creeds and sects, had sucked the life-blood out of the heart of the nations.”<sup>1</sup>

Islam also set free the Semitic peoples from the tyrannies of Greek and Persian rulers. As Professor Nöldeke pointed out,<sup>2</sup> the Moslems were aided by many of the inhabitants of Syria and Egypt who, being Mono-

<sup>1</sup> See Sayid Ameer Ali, *The Spirit of Islam*.

<sup>2</sup> Nöldeke, *Sketches from Eastern History*.

physite heretics, were ruthlessly oppressed by the Orthodox Byzantines; while in Persia the Christian Nestorians who were persecuted by the Zoroastrians looked to the Arabs as saviours, and in both Empires the Jews welcomed the invaders as their deliverers. When later the Moors invaded Spain, the Jews who were oppressed by the Visigoths likewise joined them.

The new message of a simple Monotheism spread with the rapidity of an electric current from the powerhouse at Mecca. The Prophet proclaimed himself the teacher of a religion for the Arab peoples. He was the first effective religious reformer in that vast land. "See," he said in his Testament, "that there be this one faith throughout Arabia." Yet he was looking at the end of his days beyond Arabia. He is reported to have sent out six missionaries to the chief rulers notifying them to embrace Islam, and to have proclaimed his teaching as the one religion. As we have seen, he sent also his armed followers to invade the Byzantine realm, which suggests that he conceived a territorial expansion.

Circumstances led his successors to convey the message to all mankind, "to the ends of the earth." The Arab tribes left their desert peninsula, and went out to conquer. Inspired with the new faith they were a body of warrior-priests. In their first onset they spread the Arab creed and Arabic language over half of the Western world. And after their first onset was spent, missionaries carried the teaching over Asia and Africa. Islam became at once and remained through the ages a tremendous unifying force which abolished race and tribe and kneaded the peoples together. Its great appeal to the races of Africa and Asia has been that it realizes the principle of religious brotherhood more than any other religion. "It incor-

porates the weak races into a world-wide fellowship of which they at once feel the sustaining force, whereas Christianity has often appeared as exclusive and even hostile.”<sup>1</sup> The white man, according to the Prophet’s teaching, is not above the black, nor the black above the yellow. All are equal before their Maker.

Religion was to be a bond of union. “Remember,” the Prophet said, “the kindness of God to you who were formerly enemies. He has now bound your hearts together, so that through His goodness you may become brothers.”<sup>2</sup> The various sections of Moslems were united by the use of the Arabic language for prayer and by the pilgrimage to Mecca.

Islam then transcends nationalism. It aims at being universal, and its universality is bound up with a theocratic empire, like the universality of the Church. It depends on the extension of the kingdom of God. Within that kingdom there may be subject peoples serving the one God in a different way, but they are in an inferior position to the true believers.

The principle of the Prophet in Arabia was to tolerate Jews and Christians who were monotheists, but to exterminate paganism. In the first period of his government he offered to the Jews equal rights with the Moslems. The Pact of Medina granted in the first year of the Hegira (corresponding to A.D. 622) starts with the declaration:

In the name of the most merciful and compassionate God, given by Mohamed the Prophet to the believers . . . and all persons of whatever origin who have made common cause with them: all together shall constitute one nation (Umma) over against mankind. . . . The state of peace and war shall be common to all Moslems. None among them shall have the right of concluding peace or

<sup>1</sup> See Gore, *Philosophy of the Good Life*, p. 108.

<sup>2</sup> Koran, chap. iii. 97.

declaring war separately from other believers. The Jews who attach themselves to us shall be protected from insults. They shall have equal rights with our people to our assistance. . . . The Jews of the various tribes . . . form a community alongside the Moslems. They shall practise their religion and the Moslems theirs: their clients shall enjoy the same security and freedom.<sup>1</sup>

Before long, however, the Jews opposed Mohamed and provoked his wrath; and the attack on the followers of the Prophet by hostile tribes led him to exhort his followers to war for the defence of their faith. It would have been impossible to expect a creed of pacifism in the Arabian peninsula inhabited by its wild, warring tribes; but the notion that Islam was from the beginning aggressively militant and a persecuting faith is an error. The faithful were first ordered to fight for the protection and defence of their faith against hostile pagan tribes in Arabia, which included many of the kin of the Prophet himself. There is a certain progress to fierceness in the texts of the Koran with regard to war. In Chapter II the exhortation to moderation in war is given:

Fight in the name of God those who fight you; but exceed not the limit. For God loves not those who exceed the limit. . . . Fight till there is no persecution, and the judgment be God's. But if they desist, let there be no hostilities save against the unjust. . . . They will ask thee concerning the sacred month whether they may war therein; and answer—"To war therein is grievous, but to obstruct the way of God and to keep men from His holy mosque is more grievous in the sight of God: and persecution is more grievous than war in the sacred month."<sup>2</sup>

In a later chapter the promise of reward in the world

<sup>1</sup> R. Levy. *The Sociology of Islam*, p. 275.

<sup>2</sup> The "truce of God," which was observed by the warring Arab tribes during the sacred months, was the prototype of the "truce of God" which the Church sought to introduce into Western Christendom. See above, Chapter IV.

to come is held out to those who fall fighting in the true faith, as though to indicate that the followers had to be exhorted to fight for their faith:

Let them therefore fight for the religion of God who part with the present hope in reaching for that which is to come. For whoever fightest for the faith of God, whether he be slain or victorious, will gain a great reward. . . . When war is commanded, behold a part of them fear man as they should fear God; and say, "wherefore, O Lord, hast thou commanded us to go to war and hast not suffered us to wait our approaching end?" But say to them—The provision of this life is but small; but the future shall be better for him who feareth God, and ye shall not be injured in the day of judgment.

The doctrine of the Jihad, or perseverance, appearing in a later chapter sounds a more aggressive note, from the period when the new faith was being spread over the peoples of Arabia:

Oh Prophet, stir up the faithful to war. And if there be a hundred of you they shall overcome two hundred; for God is with him who perseveres; it hath not been granted unto any prophet that he should possess the captives till he hath made great slaughter of the infidels on earth.

The character of a holy war is attached to the struggle of Islam against the pagan tribes of Arabia, as to the struggle of Israel against the pagan tribes of Canaan.

When ye encounter the unbelievers, strike off their heads until ye have made a slaughter of them. If God pleases he would take vengeance upon them without your assistance: but he commandeth you to fight his battles.

While the Prophet exhorted his followers to slay the heathens who threatened them, he from the beginning inculcated the duty of toleration towards peoples of the

Book who yielded, that is, the Jews and the Christians who had received a divine revelation. One of the teachings of the Koran is, "Let there be no compulsion in religion. What, wouldst thou force men to believe, when belief comes only from God?"<sup>1</sup> Or again: "The difference of opinions in any community is a sign of divine mercy." The peoples of the Book must submit indeed to the faithful and remain in a position of inferiority; but provided they pay tribute, they should be allowed to carry out their religion freely and to be judged by their own law. The choice was given of either protection on payment of tribute, or perfect equality with the Arabs on condition of the acceptance of Islam. Vast numbers were converted from motives of self-interest. Those who paid tribute did not enjoy the same civil or political rights as the faithful, and were not allowed to be soldiers—which was a disability; but, on the other hand, they had freedom of conscience, and were allowed to apply their own laws as a Millet or kind of autonomous community. That was the position of the Christians and the Jews under the Moslems in Palestine and other countries after the Arab conquest; and it contrasted with the policy of ruthless persecution or execution of unbelievers which had been pursued in the Byzantine Empire, and still persisted in the Western Christian States.

The doctrine of tolerance was extended by the Moslem jurists to peoples outside the Moslem kingdoms. They distinguished two principal categories of foreign State: Dar el Aman, the States with which Moslems are at peace, and Dar el Harb, the countries with which they are at war. The inhabitant of the second kind of State is an alien who enjoys no rights and may be attacked; on

<sup>1</sup> Sura ii. 257.

the other hand, the inhabitant of the first is a Mustamin, enjoys protection, and may sojourn in a Moslem country, practise his religion, and remain subject to his own system of law. It was under this theory that the system of the Capitulations, as it is called, was developed between Moslem and Christian States.

Broadly, it is true to say that Islam introduced an idea of religious tolerance into the civilization of the Middle Ages which the Christian Empire, succeeding to the pagan Roman Empire, had cast out. The Prophet himself granted a charter to the Christians at Najran, in which he undertook to protect them, to defend their churches and the residences of their priests. They were not to be unfairly taxed; no Christian was to be forced to abandon his religion, no pilgrim was to be detained from his pilgrimage. The liberal spirit of the early Moslem Government was recognized by the Christians. In the reign of the third caliph, Osman, *c.* 15 A.H., the patriarch of Merv wrote to the Bishop of Fars: "The Arabs who have been given by God the kingdom do not attack the Christian faith; on the contrary, they help us in our religion, they respect our God and our saints."

When Damascus was captured by "the sword of God," Khalid, in 14 A.H., the conqueror secured to the inhabitants their lives and goods, the retention of their churches and the walls of their town. The tradition tells that for a long period one-half of the great Basilica of St. John the Baptist remained a church, while half was turned to a Mosque.<sup>1</sup>

After Charles the Great became Emperor of the Roman Empire, he entered into communication with the Arab Caliph of Bagdad, Haroun el Rashid—about

<sup>1</sup> Muir, *The Caliphate*, chap. xiii.

A.D. 800, "in the golden prime of Islam"—and he received from the Caliph's successor the keys of the Church of the Sepulchre in Jerusalem as an earnest of the desire that Islam and Christianity should co-operate in the cause of humanity.

The most remarkable achievement of tolerant government which the Middle Ages affords is to be found in the Moorish kingdoms in Spain of the ninth and tenth centuries; and those kingdoms fostered also the highest development of culture of the age. Moslem, Jew, and Christian lived together under the gentle rule of the Caliphs of Cordova from about 800 to 1000, on a footing of equality, with full freedom of conscience and with equal protection for person and property. The motto of the Caliph was: "There is no conqueror save God." Art, science, and philosophy flourished; and were cultivated equally and in friendly rivalry by Moslems and Jews. The town of Cordova was the envy of the world, pre-eminent in civilization; and it boasted seventy public libraries.

The doctrine of Islam was not then a cause of hatred and persecution, as the doctrines of Christianity became under the rule of Church Councils in the Dark and Middle Ages. While Christianity started with the teaching of peace and resignation, but after became the religion of the State progressed by violence and persecution, Islam started to spread by the sword, but proceeded to establish itself by tolerance. The Arabs and the Saracens, indeed, extended their power over a great part of Europe and North Africa, and turned the Mediterranean into an Arab lake. But that was a march of national and not of religious conquest. The Christians remained as subjects, and were not molested provided they paid the poll-tax. Religious strife between the Cross and the Cres-

cent was intensified by the expedition of the Christians to recover possession of the Holy Land. Their immediate cause was the less tolerant treatment of Christian pilgrims by the Seljuk Turks from Central Asia, who became masters of the Orient in the eleventh century, and took up with fanatical zeal the faith of the conquered peoples. The Crusades lasted for two hundred years in Palestine and Syria; and while they helped to humanize western Europe, they broke down the strength of the Moslem Caliphates. Hence, on their conclusion, the Arab lands fell a victim to the fiercer hordes that came from Turkestan and Mongolia, and the hegemony over Islam passed to a ruder and more fanatical people. The Mongols rapidly adopted Islam; their first Khans were tolerant and encouraged both Buddhist and Christian missionaries in their realm, but there was a nationalist reaction in the fourteenth century when the Ottoman Turks became uppermost.

Just as the Arab conquerors introduced a spirit of humanity into government, so the Arab armies brought a spirit of humanity into war. In pre-Islamic days the Arab tribes in their feuds used to enslave the wives and children of the vanquished. The Prophet abolished slavery between Moslems; and the first Caliph, Abou Bekr, when he sent out bands of the faithful to avenge attacks which Syrians had made on their caravans, directed them as follows:

See that none deals with treachery. You shall mutilate none, neither shall you kill child or aged man or any woman. Injure not the date-palms, neither burn them with fire, and cut not down any trees wherein is food for man or beast. Slay not flocks, herds or camels needful for sustenance . . . and the monks with shorn heads you shall leave unmolested if they submit. Now march

forward in the name of God, and may He protect you from sword and pestilence.<sup>1</sup>

The jurists of Bagdad composed works on the Law of War and Peace some five hundred years before the works of Grotius and the Christian humanists. Notable amongst these works is the collection of Abou Hassan of Bagdad, 1036, the Hedaya, 1196, and the Vikayat, composed in Spain in 1280. The Hedaya contains ten chapters about war, dealing respectively with: The Jihad; Methods of Making War; Conclusion of Peace; Booty; Conquest of Territory of the Infidels; The Position of Zimmis (subjects); Tithes and Taxes of the Conquered; Capitulations; Prisoners; Rebels.

It is interesting to note that most of these topics occur in the Jewish law of nations as described to us by Selden. It seems probable that the Jewish traditions influenced the early Moslem jurists; for in matters of law and of administration the Arabs borrowed freely from the systems established in the Oriental countries which they overran. Be this as it may, there is no doubt that the Arab rules of humanity in war influenced the Christian jurists of the fifteenth and sixteenth centuries in their attempts to introduce *temperamenta* into the warlike practices of the European States.

The original aim of Islam was a universal religious brotherhood under one sovereign. It is stated in the Koran: "This religion of yours is a single religion, and I am your God; therefore reverence me. But the people cut up their affairs into sects amongst themselves, each group rejoicing in that which they have" (chap. xxiv. 4).

No other person, wrote Sir Charles Eliot, was able

<sup>1</sup> *Islam in the League of Nations*, Grotius Society Publication (v, p. 126).

to fuse the two noble motives of Religion and Empire in so perfect a manner as Mohamed.<sup>1</sup> The unity of the divine law requires the unity of the sovereign who is to enforce it; and social order cannot be secured if the sovereign authority is shared. Law is conceived as the will of God; and law and religion are two aspects of the same will. Law, then, cannot be made by the human sovereign, but is derived from the divine revelation—the Koran: just as with the Jews it was derived from the Bible.

The Prophet was aiming at a theocracy embodied not in a priestly caste, but in a single messenger of God. That idea was expressed in the conception of a Caliph, the successor of the Prophet. The Caliph was, on the one hand, Imam, the interpreter of the divine revelation, and, on the other hand, the commander of the faithful, who undertakes to safeguard the temporal interests of Moslems, and is responsible for the conduct of war against the unbelievers, internal security, and the administration of justice.<sup>2</sup> In his character of Imam he could declare a general Jihad, calling on all the faithful to join in a war against the unbelievers.

Islam, then, was both a State and a Church; and the temporal and the spiritual power were more completely united than in the Roman Papacy. There was no question of subordination of the one to the other because the two were absolutely and inextricably combined in the Caliph. When Islam spread over Western Asia, North Africa, and a large part of southern Europe, the conception of a single universal ruler was maintained for a time. It broke down, however, in the time of the Abbassid

<sup>1</sup> *Hinduism and Buddhism*, I, 177.

<sup>2</sup> See "Law and Society," *The Legacy of Islam*, Oxford, 1931.

Caliphs of Bagdad who held rule there from about A.D. 750 to 1250 (132-640 A.H.).<sup>1</sup>

They failed to maintain their hold over the far-flung Moslem realm; and in their time separate Caliphs established themselves in Egypt and in Spanish Cordova. The Fatimid Caliphs of Egypt in the tenth century belonged to the Shia sect; and the Caliphs of Cordova were sprung from the dispossessed Ommayyads. Still, all these Caliphs had some claim to be the successors of the Prophet; but that notion was wrecked after the extinction of the Abbassid Caliphs by the Mongols in 1258. The Mamelukes who ruled in Egypt maintained, indeed, a branch of the Abbassid line as their pensioners at Cairo; and through their instrumentality exercised the prerogatives of the Caliphate. But even the pretence of the succession was finally lost when the Osmanli Turks by force of arms became the masters of the Islamic world, and the Turkish Sultan claimed the Caliphate in 1517. The Sultan was master of the holy cities of Arabia and Jerusalem; but he could have no claim to a spiritual succession; and he did not belong to the holy tribe of Mecca, the Koreish, from whom the successors were to be chosen. The spiritual supremacy of the head of Islam was shattered at about the same period as the spiritual supremacy of the Pontiff of Rome.<sup>2</sup>

The unity of Islam was broken not only by the establishment of separate Caliphates, but by the division

<sup>1</sup> There had been an earlier cleavage when, in the first century of the Hejira, Moawiya, the Governor of Syria, proclaimed himself Caliph, and founded the Ommayad dynasty with its centre at Damascus, in rivalry against Ali, who ruled from Mecca.

<sup>2</sup> It is notable that the great Ottoman Sultan, Suliman the Magnificent, claimed to be the Eastern Emperor as the representative and successor of the Caesars of Constantinople (see Bryce, *Holy Roman Empire*).

between Sunnis and Shias, which started in the first generation after the Prophet's death and gradually widened. While in form the division was partly doctrinal, and partly concerned with the right of succession, in essence it was national. The Shia section which prevailed in Persia was an assertion of Persian independence against the Arab domination; and it instituted a mystical doctrine which was far from the austere monotheism of Mohamed. The Moslem split may be compared with that between the Eastern and the Western Churches in Christendom which continued the cleavage between Latin Rome and Greek Byzantium and broke the unity of the Church. The Persians did not, however, maintain their independence for long; they fell in the tenth century before the warlike Seljuk Turks, who were formerly the mercenaries of the Abbassids. Another branch of the Turks were some centuries later to conquer what remained of the Byzantine Empire, to restore for a time the outward unity of Islam, and to carry their faith over a large part of Eastern Europe. But at the beginning of the sixteenth century the Persians, whose national feeling again revived, founded a new Shiite Empire, and they have maintained it to our day.

From the time of the Turkish conquest to the nineteenth century the Caliphate ceased to have a genuine political importance. The Moslem sovereigns in Turkey, Persia, Morocco, and India were separate and independent rulers; and there was no single Moslem realm which acted together. In the first half of the nineteenth century these Moslem States, having become decrepit, fell before the attack of the Western Powers, which had developed new weapons of aggression. The British conquest of India destroyed the last of the great conquests

of Islam. But Islam was beginning to awaken from its lethargy. An attempt at uniting it against its enemies was made during the latter half of the nineteenth century by the reactionary Sultan of Turkey, Abdul-Hamid. He saw the power of his own State, together with that of all the other Moslem sovereigns, crumbling before the invasion of Christian Powers and the introduction of Western ideas among their subjects. And he made a last attempt as Caliph to unite the followers of the Prophet in defence of their religion and of their temporal authority. The attempt failed hopelessly in his own lifetime.

In 1908 the Young Turks compelled him to restore a parliamentary constitution issued originally in 1876, and proceeded to the election of a Chamber of Deputies on a purely secular basis.<sup>1</sup> A few years later they deposed him—ironically enough—for a breach of the Sacred Law. The revolution was not religious but national; and the non-Moslem peoples, Greek and Latin Christians, Jews, Donmehs, Armenians, and Druzes, took equal part with the Moslems. They were united by the tie of the common State.

Nevertheless, the Pan-Islamic peril was a favourite subject of speculation by publicists in the latter part of the nineteenth and the beginning of the twentieth century. The test of the Great War proved its hollowness. When he joined in the war the Sultan of Turkey called the Moslems to a Jihad against the Christian Allied Powers, but he was himself the ally and almost the tool of another Christian Power; and few of the faithful

<sup>1</sup> The Constitution contains an article declaring that the Sultan is the Caliph of Islam and the Commander of all the Faithful. Yet, in fact, there were several commanders of the Faithful with restricted allegiance, in Morocco, Yemen, Oman, etc.; and the one Moslem community had become several Moslem nationalities. See Gibb, *Whither Islam?* 1932.

responded. The Senussi of the African desert, followers of the Puritan revival of the middle of the nineteenth century, and the Imams of Sanaa took up arms indeed on the Ottoman side and attacked the English in Egypt and in Aden; but they had little effect. The Arabs from the home of the Prophet joined the English and the French allies against Turkey; the most fervent Moslems, the Arab Puritans of Nejd, would take no part in the war; and the Arabs of Iraq and Syria, as soon as they had the opportunity, joined in the struggle against the Turks, whom they regarded rather as the hard oppressors of their nationality than as the true upholders of their religion. The old religious fervour was dead, and in its place had come a new fervour for nationalism imported from the West. And nationalism divided where formerly religion united.

The effects of the proclamation of the Jihad were very different from those anticipated by the Sultan. The Shereef Hussein of the Hedjaz—claiming descent from the Prophet—who revolted against the Ottoman Government, called on the Arabs to fight in the name of Islam against Ottoman imperialism and Young Turk Free-thinkers. At the Armistice in 1918 the Sultan resigned the Holy Cities of the Hedjaz and Jerusalem—of which the Caliph was the guardian—and all the Arab provinces. It was significant that Shereef Hussein of the Hedjaz and Sultan Fuad of Egypt both assumed the secular Western title of *Malik* or King. That was a symbol that they had turned back on the old idea of Islamic solidarity in favour of the idea of separate nations.

For a time the Turkish Government maintained its claim to the Caliphate; and during the peace negotiations the Indian Moslems showed their sympathy with the

strongest surviving Moslem State and agitated against its truncation. The revived Turkish nationalism, which sprang like a phoenix from the ashes of the old, showed at first a disposition to maintain the prerogatives of the deposed Sultan. The National Assembly in 1922 declared that the Caliphate resided in the dynasty of the House of Osman and elected the second son of the Sultan, Abdul Aziz, as the Caliph. At the same time they declared the complete severance of the spiritual and temporal power, abolished the rule of religious codes which had held sway in the Turkish Empire, and abolished even the religious courts administering the Shari Religious Law in matters of personal status. They revolted, too, against the Arab dominance in the religious service, and introduced readings from the Koran in Turkish.

The Moslem Puritans within the Empire showed that this severance of spiritual and temporal power was contrary to the teaching of Islam, and so the Caliphate became a rallying-point of the Opposition. Its retention was incompatible with constitutional government. The Turkish Parliament, which was thorough in all its actions, then decided on the abolition of the shadow. In 1924 they repudiated the Caliphate, and in 1928 deleted the Article of the Constitution that Islam was the State religion. Mediaeval principles, they proclaimed, must give way to secular laws. They changed by law the form of oath of the deputies to Parliament from "I swear by God" to "I swear on my honour"; marriages of Moslems and non-Moslems were to be authorized; and the Commission on Religious Reform recommended changes in education, "so that the religious life shall be reformed by means of scientific procedure and by the aid of reason, like the moral and economic life."

The Republican Government further abolished the monastic orders, shut the ecclesiastical schools and colleges, substituted the Gregorian Calendar for the Mohammedan, fixed the Moslem feasts and fasts according to astronomical observation, and declared the jurisdiction of the religious courts of the non-Moslem communities abolished. That was a thoroughgoing adoption of the national secular State, more complete than that which the European nations had effected when they cast off the power of the Pope at the Reformation: and it meant the abandonment of the idea of one universal super-national realm of Islam.

Some attempt was made by other Moslem leaders to assume the religious prerogatives which the nationalist Turks had discarded. King Hussein of the Hedjaz in 1924 accepted the Caliphate and received the adherence of the Arab countries which were ruled by his sons. His dignity, however, was short-lived, for he lost his temporal power within a year. A conference to consider the question of the Caliphate was held in Egypt in 1926; and the Ulema declared that the Caliphate, in conformity with the prescriptions of the Shari law, was still capable of realization, and that it was the duty of Moslems to prepare ways and means for this end and to take the necessary measures. The conference proposed that all the Islamic peoples should be represented in an assembly to be held in a country which should be chosen by the delegates of the Moslem peoples; and these delegates should consider the establishment of the Caliphate.<sup>1</sup>

No effect, however, has been given to the proposal. When it was decided to hold a Moslem conference in Jerusalem at the end of last year, the Turkish Govern-

<sup>1</sup> See *Survey of International Affairs*, 1928.

ment made representations to the British Government against the raising of the question of the Caliphate at the congress, and assurances were given that the matter should not be discussed. The secular enthusiasm has affected nearly all the Islamic countries since the war; besides Turkey, Persia and Afghanistan have felt the impulse to Westernize. Although in Afghanistan there was a reaction against the too-rapid introduction of Western secular ideas, the fervour of religion is weakening and the fervour of nationalism is growing in all the countries where Moslems enjoy independence. It is a paradox that since the war there has been a movement of the Islamic peoples on the one hand to throw off the ascendancy of the Western Powers, and, on the other, to adopt the culture and the general secular outlook of the West. These apparently conflicting tendencies are opposite sides of the one movement against foreign domination and control. Their rulers feel that the purpose can best be effected by the imitation of the statecraft and the methods by which Western Powers secured that domination; and it is secular nationalism they think, and not religion, which has secured the cohesion and the power of modern European States.

It is another paradox of the Moslem world in our time that, while the principal Moslem States are rapidly secularized, a religious Islamic revival should be fostered amongst the people of the Arab countries and India. Control by a foreign Power has a way of stimulating religious feeling. So, during the nineteenth century, the Roman Catholic sentiment was fortified in Poland and in Ireland, countries which were under foreign domination. And, conversely, the religious sentiment fortifies the national feeling of the oppressed peoples.

The religious revival of the Arab countries is bound up closely with their Arab nationalism, and is not, as the religious movement in Europe, associated with a strengthening of the feeling of unity and brotherhood between the peoples. There has been, however, a religious movement with that outlook among Moslem peoples during the last century. It started in Persia nearly a hundred years ago as an offshoot of the Shia doctrine. It is known as Babism, because its teacher declared himself and was accepted as the *Bab*, or Gate, who, in accordance with Shia doctrine, was the channel of communication of the last Imam with the Faithful, and heralded the coming of a new Prophet (Imam). One of his followers proclaimed himself the new Prophet, and took the title of Baha-Ullah, the Glory of God, whence his adherents are known also as Bahais. Going beyond the aim of the Bab, he preached a new world religion of which he was the divine manifestation.

One fundamental idea of the Persian reformation was the brotherhood of man and the union of all peoples in a common religious faith which should transcend and embrace the existing established religions. Jews and Christians, as well as Moslems, were invited to accept the new message, and to recognize that above the diverse creeds there was a single universal law of humanity. As it was put by Abbas who succeeded him as head of the brotherhood: "The sun of truth like our sun rises in many constellations." The movement spread rapidly in Persia in spite of the persecution of its adherents, and numbers there several million followers. It has spread also, though less strikingly, in other Moslem countries, and it has found a number of adherents amongst European and American peoples. Its heads after a fierce

persecution were exiled to Turkey and were imprisoned by the Sultan first in Constantinople and then in Acre. Subsequently they were released, and allowed to live in Acre and Haifa, where the headquarters of the movement have been established. Universal peace and brotherhood remain among the principal ideas of the Bahais, and they teach that there is no single and final revelation; and the founders of all revealed religions have been actuated by the same purpose and are aspects of the one divine power. They reflect the international ideas and ideals of our age; and they are to-day a certain restraining force against that self-conscious nationalism which has gone to the head of the Orient like new wine.

A favourite saying of Baha-Ullah was, "Let not a man pride himself that he is a lover of his country; but let him take pride that he is a lover of his kind."

A similar movement sprang up in Islam in India during the latter part of the nineteenth century. It is known as the Ahmadiyah, from its founder Mirza Ghulam Ahmad of the Punjab. He claimed to be the Mahdi, or Islamic Messiah; and according to his gospel he was also the Messiah for all mankind, the champion of Islam, the reformer of Christianity, the Buddha of the East. For the true Islam embraces all true religions.

Another Moslem reform movement of an opposite kind grew up earlier in the hearth of Islam. It was known as Wahabism, from its founder, Mohamed Abdul Wahab, who, in the middle of the eighteenth century, summoned the peoples of Arabia to a Jihad for the pure teachings of the Prophet. On the one hand, it was a puritan revival like the Protestantism of the Reformation; on the other hand, it was a national revival, a re-assertion by the Arab people of their original faith, which

had been corrupted by admixture in Syria, Persia, and India, and a revival of Arab brotherhood. At first the Wahabis united Arabia, and became masters of the Holy City; but in the early part of the nineteenth century they were unable to hold Mecca against the forces of Egypt and Turkey. They had to withdraw to a remote part of the peninsula, although their influence spread to northern India, Afghanistan, and the north African desert. In our days, since the Great War, they have shown that the fervour of religion may still be a powerful national force, and they have become masters of the greater part of Arabia.

The Wahabi movement, wherein religion and nationalism are fused, is an exception to the general secular nationalism of the East. In an age when the statesmen and thinkers of Europe are seeking to transform the idea of national sovereignty and to build up an international order, the peoples of the East who had for centuries discarded the idea of an exclusive nationality have revived it with ardour, or imbibed it from the culture that the Western contact has brought. They do not find in their religions a check to the national striving. Rather is religion for the time relegated to the position of a personal belief unconnected with the social and political organization, or is severed from it where it was attached. The independent Islamic peoples are passing through the stages of a secularized nationalism which Europe suffered after the Reformation. The religion of the community tends, on the other hand, to be individualized. That may prove to be the stage, as individual Christianity has been a stage, towards the recognition of their religion as one aspect of spiritual truth, and towards the willingness to combine the communion of Islam with other religious communities for the common purposes of humanity.

## CHAPTER VIII

### THE INDIAN AND FAR EASTERN RELIGIONS

IN the early ages of human history, civilization developed farther in India and the Far East than in Western lands, and modern scholars have pointed to the existence of rules of international conduct based on religion which were developed in India long before the Christian Era. We have noted that between the sixth and fifth centuries B.C. there was a great stirring of religious and ethical thought throughout the world. At the time when the Prophets of the Return from the Captivity were preaching to Israel, and Pythagoras, Empedocles, and the earliest Greek philosophers were developing ethical ideas amongst the Hellenes, Confucius was laying down rules of conduct and an ethical philosophy that dominated the Chinese civilization till our own age, an unknown teacher in Persia was reforming the primitive Zoroastrian theism, and in India a sage founded the Jain sect of which a fundamental teaching was not to kill any living thing, while the Prince Gautama conceived that philosophy of resignation known as Buddhism, which has become the supreme religious teaching in the Far East, and has greater sway than any other religious system. But centuries before the coming of the Buddha there was a developed system of rules of conduct in peace and war among the peoples of India. Those rules, as the rules of war that were adopted by the Hebrews, the Greeks, or the Romans, were founded on, and regarded as a part of, the religion. Their sanction is the eternal law of "Dharma," which is defined as "that

which it behoves men of right feeling to do." They held sway throughout the Indian Continent from the Himalayas to the Vindehyas and from the Eastern to the Western Sea.

In that country—as large as Europe without Russia—there was one single form of religion, a form which has indeed remained throughout the ages for three thousand years, and still governs the lives of 200 million people. It is the most continuous sway of a religious creed in a country which human history shows; and the religion has throughout formed a fundamental part of the national life. Judaism has been bound up as long with the life of the Jewish nationality, but it has not been so continuously bound up with a country. The Hindu law was originally fixed by customs ascribed to the divine revelation, but was amplified later in regular codes composed by Manu and other compilers of the sacred lore. In a subsequent period it was supplemented by the writings of statesmen and publicists, of whom the most notable is Kautilya, who, about the third century B.C., wrote the *Artha-Sastra* for the guidance of kings and their ministers. The rules of the religious international law of India are extracted partly from these books, and partly from the epic poems, the Vedas, the Mahabharata, and the Bhagavad-Gita, which are the outstanding works of early Indian literature.

Various factors strengthened the hold of the civilized law: the establishment of the one Aryan power throughout the vast territory from about 1000 B.C., the rule of the common traditions, the common religion, and the common moral outlook in that territory, and, lastly, the greater peacefulness which appears to be in the nature of the peoples of the Far East compared to those of the

North and the West. The rulers and peoples of India seldom engaged in a war of conquest outside their sub-continent, so that their law deals with the relations between various Indian peoples. One of the epics, the Bhagavad-Gita, spoke of war as a heinous sin, "seeing that we are making efforts to kill our kinsmen out of greed of pleasure and of sovereignty."<sup>1</sup> The earliest texts deal, indeed, with the struggle between the Aryan and the original inhabitants of India, the Dasyas, who differed in religion, language, literature, and civilization. The wars between the two races were regarded as holy, comparable with the wars of the Hebrews against the Canaanites, or the wars of Islam against the pagans of Arabia; and the precepts of these sacred wars inculcated a sterner and more ruthless practice. "War was invented by Indra for the destruction of the Dasyas; and weapons and armour were invented for the same end. Merit is acquired by their destruction."

But once these non-Aryan peoples had been subjugated, humane principles were practised in war. A Greek historian and ambassador, Megasthenes, who visited India soon after the conquest of Alexander the Great had brought the Hellenic peoples within the Indian borders, noted the Indian humanity. "Whereas," he says, "among all nations at war it is the custom to ravage the soil and reduce it to an uncultivated waste, yet among the Indians, among whom the husbandman is regarded as a class sacred and inviolate, even when the battle is raging in the neighbourhood, the tillers of the soil are undisturbed by any sense of danger. The combatants on either side who are waging the conflict allow those engaged in husbandry to remain unmolested. Besides,

<sup>1</sup> *Sacred Books of the East*, VIII, 42.

they neither ravage the enemies' towns with fire, nor do they cut down the trees. Nor would they do any harm to the enemy subjects who are at work on the land because men of this class are regarded as public benefactors, and are protected from all injury."<sup>1</sup> Another traveller coming from China, who visited the country a thousand years later, about A.D. 700, recorded that in the petty wars which were waged the armies did little harm to the country at large.<sup>2</sup>

The Law Book of Manu, which is an interpretation of the unwritten law of the Vedas, contains elaborate rules regarding the conduct of war and diplomacy. It prescribes that certain kinds of weapons are not to be used: barbed, poisoned, or blazing with fire; and certain classes of persons are not to be killed: those found sleeping or wearied, in flight or wounded, those overcome with grief, and camp followers.<sup>3</sup> The sanction for all such rules was the wrath of the deity.

The rules recognized a kind of warfare by deceit, which was only to be employed by the weak against the strong; like the stratagem of the Gibeonites against the Children of Israel. The fighter in an equal struggle was not to swerve from the eternal law of Dharma, which required fair dealing.

The Indian peoples fostered a cult of chivalry a thousand years before it came to Europe; and it is not unlikely that the ideas of chivalry came from the East through Persia and the Saracens to the Western

<sup>1</sup> Arrian, *Ind.*, chap. xi. Alexander the Great himself, according to the records, paid respect to the Brahmins, whom he visited in his campaigns in the Punjab. They seemed to him a sect of philosophers, as did the Jews whom he visited in Jerusalem.

<sup>2</sup> Quoted in Viswanatha, *International Law in Ancient India*, 1925.

<sup>3</sup> Laws of Manu, 90-93 (*Sacred Books of the East*, XXV, 231).

peoples. The Knights of India, Kshatriya, were to uphold righteousness and were assured of heaven.

As with most systems of antiquity, the Indian religious custom prescribed a formal declaration of war. The king, before entering the country of the enemy, declared to the people: "I am your king, I shall protect you; give me just tribute, or encounter me in battle." The invader was directed not to use fire in the enemies' country. "Fire offends the gods." Nor was he to seize any temples; and it was one of the duties of the military occupant to see that the temples of the gods and their property were not molested. The land of the people was not to be confiscated, though movable property was taken as booty. After a conquest the conqueror was to worship the gods of the conquered country, to honour the righteous Brahmins therein, and to sanction the lawful customs of the inhabitants. The common religion of the sub-continent induced that precept of humanity which contrasts with the attitude of other people towards the religions of the conquered. "What gods there are in any country . . . whatever be the customs anywhere, they are not to be despised." India has been one through her common religious ideal, more than Catholic Europe in the Middle Ages. The kings, too, were not regarded as high priests, but in religious matters were subordinate to the Brahmins, who for two thousand five hundred years have retained their position as an intellectual aristocracy.

It was in the sixth century B.C. that Prince Gautama of North India, known later as the Buddha (or the Enlightened), preached his reform of Hinduism. While Hindu religion held to a rigid caste system with its sanctification of inequality, and was exclusive and national, making no appeal to the rest of mankind, the

Buddha proclaimed the doctrine of equality and a way of happiness for all without distinction of class, race, or nationality. He demanded no allegiance, but he was rather a physician offering healing to humanity. The new religion was open to all, and was identical with morality.

He had sprung from the warrior caste: but one of his main tenets, and one of the five essential commands, was not to shed blood; and his influence throughout the East was for peace. His recorded sayings include a dialogue with General Simha with regard to peace and war. He was asked:

Does he who teaches kindness without end and compassion with all sufferers permit the punishment of the criminal; and further does he declare that it is wrong to go to war for the protection of our homes, our wives, our children and our property? . . . Does he maintain that all strife, including such warfare as is waged for a righteous cause, should be forbidden?

The Buddha replied:

He who deserves punishment must be punished, and he who is worthy of favour must be favoured; yet at the same time he teaches us to do no injury to any living being, but to be full of love and kindness. . . .

The sage teaches that "All warfare in which man tries to slay his brother is lamentable"; but he does not teach that those who go to war after having exhausted all means of preserving the peace are to be blamed. The sage teaches a complete surrender of self but not a surrender to those powers that are evil.

There must be struggle, for all life is a struggle of some kind . . . see lest he struggle in the interest of self against truth and righteousness . . . he who goeth to battle even though in a righteous cause

must be prepared to be slain by his enemies; for that is the destiny of warriors. . . . He who is victorious should remember the instability of earthly things. His success may be great, but the wheel of life may turn again and bring him down to the dust. Yet if he moderates himself, and, extinguishing all hatred in his heart, lifts up the fallen adversary, and says, "Come and make peace and let us be brothers," he will gain a victory that is not transient, for its fruits will remain for ever. Great is a successful general, but he who has conquered self is the greater victor.<sup>1</sup>

The teaching of Buddhism in relation to civil society was then not an absolute pacifism, but a philosophical ethic, making for peace, moderation, and magnanimity; and it had an extraordinary efficacy in that direction on the political development of the Eastern peoples. Claiming to be universal, it transcended nationality, and it made no claim to empire or to temporal power. Yet the Buddha, like the Hebrew prophets, sought to establish the kingdom of righteousness, and conceived a universal monarch who makes the wheels of the chariot roll unopposed over the whole world, governing it by the law of righteousness. It was in the third century, more than two hundred years after the death of the Buddha, that his teaching was adopted by the ruling king, Asoka, who became master over the greater part of India, from Afghanistan to Madras. He was the grandson of a monarch, Chandra-Gupta, who, a few years after the death of Alexander the Great, united northern India in a powerful empire, and put an end to the Hellenistic domination. In the principles of the Buddha he found both an ideal of personal life and an instrument of justice for his kingdom. The faith inspired in him the greatest effort for good made by any great monarch. "In the gallery of pious monarchs he stands isolated as the one

<sup>1</sup> See the *Gospel of Buddha*, by Paul Carus. Chicago, 1909.

man whose only passion was for a sane, kindly, and humane life.”<sup>1</sup> He wrote himself: “There is no greater task than to strive for the universal welfare.” And he lived up to that conception. He upheld the absolute toleration of religious ideas. “All sects receive honour from me, and I deem the essential point is fidelity to their doctrines and their practices.”

Mr. H. G. Wells, in his *History of the World*, says that Asoka’s reign of twenty-eight years was one of the brightest interludes in the troubled history of mankind. In the early part of it he followed the example of his father and grandfather, and engaged in a war of conquest; but after one successful campaign he was conscious of the cruelty and futility of war, and devoted the rest of his life to preaching and organizing peace. Adopting the doctrines of the Buddha, he declared that henceforth his conquests should be those of the true religion. Under his guidance the teaching of Buddhism was extended to its widest sphere, mankind, by means of missionaries sent to foreign countries. At the same period Jewish missionaries were carrying their ethical teaching through the pagan Hellenistic empires. Buddhism was at once the most intensely missionary religion and the most tolerant. Conversion was to be effected only by persuasion, and the universal religion was free from all idea of theocracy. The Hindu religion was internationalized, and lost for a time its national character in the process.

King Asoka created a Ministry of Justice and Religion, of which the function was to preserve the purity of the faith and to supervise the just treatment of the native subject races—a predecessor of the Permanent Mandates

<sup>1</sup> See Gore, *The Philosophy of the Good Life*, p. 85; Eliot, *Hinduism and Buddhism*, I, 268.

Commission of our day—and he sent missionaries of the faith to Kashmir, to Persia, to Ceylon, and even to Alexandria. In one of his edicts he claims to have sent embassies to four Hellenistic kings, and to have won from them a victory not by the sword but by religion.<sup>1</sup> His edicts concerning religion and morality were inscribed on rocks throughout the country, and some of them have survived to our day. They inculcate obedience to parents, kindness to children and friends, mercy towards animals, suppression of angry passion and cruelty, generosity, tolerance, and charity; and they refer to the passages of the Buddhist law which contain the highest moral teaching. In their content they may be compared with the Bible verses in the Mezuzah, the casket placed on the door-posts of the Jewish household.

Noble as he was, and enduring as was his moral teaching, King Asoka is regarded as one of the causes of the downward path of Buddhism in India, which led, after centuries of struggle with the Brahmins, to its expulsion from the continent, and the restoration of the indigenous Hindu creeds with their system of caste. Just as Constantine of Rome conduced to the gradual degeneration of Christianity by his elevation of the faith of a pious community to the State religion, so Asoka induced the gradual decline of the inner virtue of Buddhism by his regard for the monks and the favour given to the Order, and by his establishment of Buddha's teaching as a State religion. There was a chaotic period of Indian history from his death till the fourth century A.D. And that was followed by a protracted struggle between Buddhist monks and Brahmin priests. The

<sup>1</sup> Buddhism is first mentioned in Western literature by the Christian Father Clement of Alexandria in the second century (Strom, I, 15).

struggle between the two religions went on from the third to the tenth century, and it was the destruction of the monasteries by Moslem invaders which dealt the final blow. The national spirit of the old religion was too strong to be subdued, and it came back with renewed force.

Since Buddhism was worsted, India has suffered fierce wars of religion through the centuries; for the restored Hinduism has not been able to prevail over rival militant creeds as it prevailed over pacific Buddhism. The Moslems who, moving from Central Asia, first established themselves in what is now Afghanistan, and then conquered Scinde in the eighth century, pushed their conquests and their faith steadily, until finally the Mogul Moslem Empire was established over nearly all India at the beginning of the sixteenth century. The greatest emperor of that line known as Akbar (meaning The Greatest), 1556-1605, sought like Asoka to ensure peace by toleration and justice, and to establish an eclectic religion for his empire of diverse creeds and races. To that end he convened an assembly of all the religious heads of India. His purpose was "a fraternal union of the peoples and rest for the earth." In the same spirit as Augustus, the founder of the Roman Empire, he aspired to make a common worship the base of his rule; he abolished Islam as the State religion, and abolished the poll-tax levied on the non-Moslem peoples. And one of the principal tenets of the new religion was that the Emperor was God's vice-gerent on earth.<sup>1</sup>

His attempt at a universal religious creed died with him. Through the ages and throughout the world

<sup>1</sup> Akbar invited Jesuit missionaries to his kingdom, and issued a command that his subjects should be free to embrace Christianity without let or hindrance.

mankind has rejected the idea of a synthetic religious dispensation. Akbar's successors, moreover, were less tolerant, and in the reign of Aurungzeb the feud between Hindu and Moslem was rekindled and still burns fiercely in many parts of India. A reforming movement in Hinduism started with the Sikhs of the Punjab in the sixteenth century—about the same time as the European Reformation—and, combining the principles of Islam with Hindu tradition, proclaimed a simple monotheism in place of the orthodox polytheism, and the equality of all who entered the new Order in place of the rigid caste system. It also was harshly repressed by the later Mogul emperors. But the reformed religion endured, and aroused its followers to a fiery enthusiasm under the stress of persecution. Another feud was engendered, and still endures between Sikhs and Moslems.

During the nineteenth century two remarkable reform movements arose in Hinduism, of which the one illustrates the universalist and the other the national trend of religion in modern time. The Brahma Samaj Society, of which the foremost exponent was the father of Rabindranath Tagore, proclaimed, together with the ardent Indian nationalism, a broad feeling for humanity and for the spiritual union of Europe and Asia. It has not flourished, and in a census of 1911 only numbered 5,500 followers. The Aryah Samaj, of which the nationalist Lajpat Rai was a champion, though professing universal aspirations, emphasized Indian nationalism and opposed Western influences and Christian missions. The reformed Hinduism was to be reconciled with Indian nationalism, which would secure India her rightful place in the society of nations. It has now many adherents, more than a quarter of a million, and is spreading.

A still more recent religious development is the teaching of Rabindranath Tagore, who has emphasized the unity of mankind and the sentiment of brotherly solidarity, by which alone the Indian community can solve the racial problem. Following the teaching of Mazzini, he maintains that nationality is spiritual, and the realization of national powers is a service to all mankind which has need of the particular genius of all the peoples.

Hinduism, however many times reformed and adapted, has remained the indestructible basis of Indian unity for over three thousand years. In India to this day religion is the dominant motive of conduct and feeling, and her nationalism is still coloured by religion. India, it is said, is now endeavouring to exchange the sword of secular nationalism, borrowed from the West, for the panoply of nationhood, in which Hinduism may be dominant. "The Indians are as essentially religious as the Europeans are secular."<sup>1</sup>

We turn now to the other countries of the Far East, where Buddhism, after being driven from India, found a permanent home. Like Christianity, it won its greatest triumphs outside the land of its birth. Ceylon was won to the creed by missionaries from India in the time of Asoka himself, and became the principal centre of the new teaching. An impetus to the mission in the north, comparable with that which Asoka gave to Buddhism in the south, was given by the Scythian monarch, Kanishka, who ruled over north-western India in the first century A.D. The teaching is said to have reached China in the second century before the Common Era, and there is record that the Emperor Ming-Ti brought Buddhist books to his country in the year A.D. 62. It is from

<sup>1</sup> Harcourt Butler, *India Insistent*, 1931.

his time that Buddhism rapidly spread throughout the Chinese Empire. Monks came from India, and the Chinese sent scholars to the older Buddhist countries to collect the sacred writings and to translate them into Chinese. In the fourth century Buddhism became the State religion, being combined with the indigenous ethical teachings of Confucius and Tao.

The teaching spread still farther north, east, and south: to Korea in the fourth century, to Japan in the sixth century, and to Cochin and Siam in the seventh century. It brought the peoples into close touch with each other. While it has been almost entirely driven out from India by the Hindu religion, in other lands it has remained enshrined in the hearts and minds of the mass of the people as well as in the monasteries. It softened the manners of the wild peoples of Mongolia and Turkestan, who were once the terror of Asia and Europe. In Ceylon, Burma, and Siam it became a truly national religion. In one country its priests and votaries became the temporal as well as the spiritual sovereigns. Buddhism entered Tibet in the seventh century of the Christian Era, and the priestly order gradually dominated the old chiefs. Finally, in the sixteenth century, they attained to the sovereignty of the country, which they have kept to our day, and assumed the title of The Universal Ruler of the Buddhist Faith. Scholars have compared the power and pomp of the Lamas, this priestly hierarchy, with the power and pomp of the Popes of mediaeval Rome.<sup>1</sup>

Centuries before the teaching of Buddha came to China the doctrine of peace had been established over the vast territory of that empire, and a high moral standard of life was spread amongst its inhabitants. That

<sup>1</sup> Eliot, *Hinduism and Buddhism*. Arnold, 1922.

was largely due to the influence of two ethical teachers—Lao-Tse, who lived about 600 B.C. and was the author of the *Book of the Way and of Virtue*, and Confucius, who taught about 500 B.C.

It is interesting to consider briefly the Chinese attitude towards peace and war before the reforms of Lao-Tse and Confucius. It was a fundamental principle of their tradition and morals that all the Chinese were allied; and war therefore was not to be imagined between them save as a means of correcting injustice. A Chinese family must not be destroyed. War was permissible only as a normal action against barbarians who were outside the scope of civilization. The earliest legends trace the development of government from the dynasties of kings that start about 800 B.C. to the establishment of the Chinese Empire in 250 B.C. In the earliest period of three centuries there were three dynasties, which succeeded each other when the virtue of the sovereign of the older dynasty disappeared. The third dynasty of the Chous had two great figures—a civil genius, Wen, and a warrior genius, Wu. Of Wen it is said that he only took up arms to punish the barbarians and the guilty, and of Wu that he took up arms to carry out the heavenly chastisement, and as soon as he had conquered the ungodly he disbanded his troops. He styled himself the "Instrument of God." The period of the three dynasties was followed by a period of anarchy from the fifth to the third century B.C., when tyrants ruled and disregarded the moral law that war should only be prosecuted to carry out the judgment of heaven and not to destroy the enemy. The state of China in that period was said to be that of a country of ferocious beasts; and it was from this degradation that the moral teaching of the two philosophers re-

claimed the people until the unity of the empire was established.<sup>1</sup>

Lao-Tse—whose name means the Old Philosopher—inculcated the virtue of peace. Two of his aphorisms run: "He who with reason assists matters of mankind will not with arms strengthen the empire"; and "Weapons, even though successful, are unblessed implements, detestable to every creature." The Chinese have been more concerned with the duty of man towards his neighbour than the duty of man to God. The teachings of their philosophers did not claim to be derived from any divine revelation, and were not centred about a personal god. They were essentially ethical, laying down a way of life for the individual and for the nation. They appealed to reason rather than emotion; and they attained an extraordinary sway over the minds of generations so that, compared with the history of Europe, the story of China for a period of two thousand years—till the impact of the West—is one of tranquillity. For centuries militarism and the profession of arms were dishonoured in China; and it was only the contact of Western civilization which shattered that pacific tradition.

The teaching of Confucius dealt with the way of conduct of the noble man. In its form and substance it is like the ethics of Aristotle rather than the teaching of the Hebrew prophets. According to his principles, "What God gives to man is nature: Action according to nature is the way: The regulation of the way into a system is religion." The regulation of the way is through love, which is the characteristic element of man. The foundation of the peace of society is the love of children for their parents; for the nation or State grows out of

<sup>1</sup> See Granet, *Chinese Civilization*. Kegan Paul.

the family. Next to love the great principle of society is justice, which is the true profit of the State. While Lao-Tse had said "recompense injury with kindness," Confucius, to whom his maxim was repeated, did not agree. He said, "recompense kindness with kindness, and injury with justice." We are reminded of the contrast between the Christian Gospel and Judaism. There were, according to his teaching, three periods of society:

1. The stage of confusion and disorder,
2. The advancement of peace, and
3. The attainment of peace.

In the days of Confucius China was still in the first stage; but the movement for peace and unity advanced rapidly under the influence of his moral teaching; and by the third century B.C. the vast empire had been united under one Government. At about the time that Asoka was ruling in India (250 B.C.) the first universal emperor, Shi-Hwang-Ti, reigned over that empire, and built the Great Wall of China to keep out the barbarian invaders from the northern deserts. It is said that afterwards he turned his weapons into bells and statues.

Confucius taught that of the three essentials of the State the greatest is good faith. Without revenue and without an army the State may exist, but not without good faith. Law and government are based upon morals. Moreover, the purpose of a system of law is to constitute international associations of which the aim would be to apply good faith and to procure peace between nations. The rulers of the nations must promote the general welfare of mankind as the ultimate goal of the efforts of each national community. He taught also the unity of the human race, and the universal validity of the law of

righteousness. The end of government is Tai-Ping—universal peace founded on justice. It is one of the gentle paradoxes that the Chinese rebellion in the middle of the nineteenth century was fought in this cause. At the same time Confucius recognized the need of adequate military preparation by the State, because an army was required to do the work of a moral police.

The teachings of Confucius have not been embodied in the form of a religious teaching or spread by religious Orders. They have been handed down through the generations in the family and the school. Nevertheless, about a thousand years after his death, the Chinese emperors began to erect temples to him which have remained a permanent feature of the social organization of China. Confucianism was a kind of State creed, a law to the government, and an aspect of the government.

The teachings of Lao-Tse have, on the one hand, been embodied in a pantheistic mystical religion—Taoism—and spread by priests and monks. But they were originally also a way of life, akin to what the Stoics described as the law of nature. Both doctrines remained powerful influences to our day, when a new ethical teacher arose in China who, moved by the incursion of foreign influence and what seemed to the Chinese the injustice of foreign privileges in China, contrived to rouse the people to a sense of nationalism. That was a new passion among the ethical Chinese, as amongst the religious Moslem peoples, but it has seized on them as strongly.

While publicists in Europe wrote of the Yellow Peril, the Eastern races have become intensely alive to the White Peril. Sun-Yat-Sen, the leader in the twentieth century of Chinese Republicanism and Nationalism,

marked the fundamental difference between Eastern and Western civilization: "Oriental civilization emphasizes benevolence and rightness; Occidental civilization, utilitarianism and force. We Asiatics must win benevolence so that we may be recognized as a Power." The deeply rooted family feeling of the Chinese must be preserved and crystallized in an intense national consciousness. The new State must be founded on the old virtue and the old ethics. The Chinese must start with their internal civilization, and must not cease till the whole earth has become a realm of peace. The attempt, however, to proclaim Confucianism as the State religion of the Republic failed: the young generation, as in Turkey, wanted the secular State.

With Sun-Yat-Sen's doctrine of the Three Principles, nationalism, democracy, and socialism, formed on the best Western models, which roused the Chinese to struggle against foreign domination, we may compare the more definitely religious teaching of the prophet of our time in the other great Eastern country, India. Gandhi, known to the masses of India as the Mahatma, or saint, has asserted the principle of non-violence—as a means of resisting evil and power. Unlike the reformer of China, he is in revolt against Western culture, which he regards as the work of Mammon, as well as against Western domination; but he demands that India shall win peace by self-sacrifice.

What is remarkable in the message of the two leaders of Eastern thought in our day is that the moral teaching and the profession of a universal hope is combined with an intense nationalism, just as it was in the Hebrew prophets. To repeat the words of George Adam Smith about the universalized Judaism of those prophets, "It

is wedded with patriotism, and is in sympathy with the nation's struggle for freedom and its whole political life." In this respect it is to be contrasted with the Christian Gospel, in which a universal religious message was personal and divorced from patriotism.

We have noted that Buddhism spread to Japan in the fifth century, and there, as in Ceylon and China, it became a powerful force upon the life and conduct of the people, making for tranquillity and kindness. The Eastern religious movements are not exclusive, but exhibit astonishing power of adaptation. Freedom of religious opinion had not to be fought for in the East as in the West; and the spread of Buddhism did not mean the ousting and the persecution of the previous religions and ethical teachings. In India it was adopted side by side with the old traditional Hindu creeds; in China it informed without supplanting the ethical teachings of Confucius; in Japan it modified without suppressing the national religion of Shinto, and coalesced in a creed known as "Twofold Shinto." That traditional teaching of Japan is a primitive animistic creed. It has been described by a learned Japanese publicist of our day, Professor Nitobe, as "a cult with few moral principles and fewer theological tenets." It is the traditional way of life, and its essential ethical feature is patriotism. "It has the power to give contentment to a good patriot or faithful subject, but it will never stay the obstinate questionings of a human soul."<sup>1</sup>

In its reverence for the Royal House of Japan it may be compared with the worship of the Caesars in the pagan Roman Empire. Its primitive teaching and mythology were harmonized with Buddhism, as the paganism of

<sup>1</sup> See Nitobe, *Japan*, 1931.

the Roman Empire was harmonized with Christianity; and as the pagan gods of the Empire were adopted as saints so the deities of Shinto became Buddhist divinities.

Part of the principles of Shinto was the Code of Honour, *Bushido*, of the noble class of the Samurai, who correspond with the knights of chivalry in the Middle Ages. The combination of the Buddhist doctrine of renunciation with the traditional morality of the warrior class produced a conception of the knightly class who renounced desire, "Not that he might enter Nirvana, but that he might acquire the contempt of life which would make him a perfect warrior." Yet, for a period of some centuries, the spread of Buddhist teaching secured an era of peace and tranquillity. The coming of the foreign travellers and merchants in the sixteenth century led to a revival of the national spirit in Japan. At first the country gave willing reception to the missionaries of Christianity who under the influence of the Jesuit enthusiasm began to preach in the sixteenth century. The great Jesuit Christian teacher, Francis Xavier, who arrived from Goa in India about 1550, carried Christianity to the Far East, and in a few years he had won 150,000 converts. A hundred years later there was a reaction against the spreading of the foreign religion, and the missionaries were driven out. The new religious teaching appeared to the upholders of the traditional cult subversive and perilous to the strength of the State.

The same reaction against foreign ideas led to the exaltation of Shinto to a State religion in the eighteenth century, and to an official missionary enterprise for the inculcation of Shinto in the middle of the nineteenth century. That attempt to strengthen religion by State action was soon abandoned; and for the last fifty years

there has been in Japan complete religious toleration. Buddhism still commands the adherence of three-quarters of the population, but no restriction is placed on the propaganda of the Christian Church. The number of adherents to Christianity is said to be only 200,000; but members of that community play a large part in the humanitarian work of the country. It is said by Professor Nitobe, himself a Christian, that the leaders of the advanced political views, including the leaders of the Labour Party, are almost all men of Christian conviction.

Buddhism has played a more secular role in Japan than in other countries; it is a remarkable sign of the influence of nationalism upon religion in Japan that Buddhism there in our day has become imbued with that spirit, and the Buddhist priests, like many of the leaders of the Christian Church in the Great War, champion the cause of their country in its military enterprises. An example may be quoted from a recent pronouncement of the head of the Buddhist Salvation League in connection with the struggle in Manchuria. In an appeal to England for her sympathy with the Japanese action, he says: As a religious man I believe that nations should be mutually faithful; no nation can sacrifice lasting friendship for immediate gain. For England to desert Japan would be unfaithfulness. Any act against the Christian teaching—

“What doth it profit a man to gain the whole world and lose his own soul,”—will mystically result in his losing a hundred in trying to gain one. I therefore pray you to take a higher view of the situation, and to persuade the Chinese to reflect; and then your glory will be infinite and eternal, and Providence will bless your country (*The Times*, December 21, 1931).

Here is a striking example of how national ardour may transmute religious teachings, so that a priest of one pacifist creed can appeal in the name of another pacifist religion to another nation for sympathy in war.

While, however, in Japan religion has been allied through the centuries with national and warlike feeling, it is broadly true that in the Far East religion has been a permanent force making for peace, goodwill, and brotherhood amongst men. Confucius spoke of "the brotherhood within the four seas"; and almost everywhere the influence of Buddhism has been for the renunciation of strife and the spread of love and kindness. The teaching of love and a common humanity has been more effective in the East than in the West upon national policy and international relations, although it has been less effective than in the West upon the relations of individuals and classes in the nation, because of the absence of the faith in action and progress which makes for a static society; and because, perhaps, it had not the ardour of religious emotion. Yet to-day in the East, as in the Western world, the spread of nationalism has received an enormous impulse. The peoples of India, China, and Japan, resenting the domination of Western peoples, are struggling to vindicate their national independence; and with the fervid nationalism they have adopted another Western product, materialism of thought and a mechanical view of the world that weakens the old religious ethic. And recent events in the Far East have shown that the nationalism of the East is as violent as that of the West. Yet, as the national feeling of the Western countries is being tempered by the universal and humanitarian principles of their religions, so we may expect

that the universal and philanthropic principles of the religious and ethical faiths of the East will again temper this national fervour, and so bring peoples of the East and West to co-operate for the fulfilment of the ideals that are common to their highest teachings.

## CHAPTER IX

### RELIGIOUS FREEDOM TILL THE GREAT WAR

WE have been concerned with the influence of religion on the policy for peace and war and in the government of nations. We have remarked from time to time on the attitude it has engendered towards freedom of worship and conscience, and towards the treatment of peoples of other religions and faiths. We have now to consider more closely this aspect of the relation of religion to national and international policy.

One of the outstanding spiritual events in antiquity is the struggle of the Jewish people, both while they were a political nationality and after their political independence had been destroyed, on behalf of religious freedom. Though their struggle involved the loss of their political power and the destruction of their political and religious centre, they did succeed in vindicating the right to their religious worship and religious teaching in the pagan Roman Empire. Throughout the vast realm of Rome the Jewish congregations constituted a "legitimate community." They enjoyed a large measure of internal autonomy, so that the Jewish courts could deal with civil questions between Jews as well as with matters of family relationship, marriage, divorce, succession, etc., which were governed by the religious law. They had complete freedom to carry on their religious mission. They were allowed to maintain a certain political unity in their far-spread communities by the recognition of a patriarch or Nasi who exercised religious jurisdiction. While the Romans diverted to the Imperial treasury the

contribution that was formerly made by the Jews all over the world to the Temple at Jerusalem so long as it stood, they did not interfere with the collection of a contribution from the Jews of the Diaspora for the maintenance of the Sanhedrin and the Rabbinical schools in Palestine and in Babylon after the Temple was destroyed.

The era of religious liberty and tolerance came to an end soon after the Empire was Christianized. The Christians suffered from religious persecution for two centuries before the issue of the Edict of Toleration in 313. The Edict introduced liberty of conscience: "Anyone who desires to observe the Christian religion may do so without disturbance. . . . The same liberty of conscience and worship is extended to other religions; for we will have no distinction made against any creed." Montesquieu observed that every religion which is persecuted becomes itself persecuting; for as soon as by some accidental turn it arises from persecution it attacks the religion which persecuted it, not as religion but as tyranny. And his observation is signally illustrated by the history of the Church.<sup>1</sup>

Beginning with the prohibition of the Jewish mission, the Christian ecclesiastics gradually introduced a restriction, and finally the abolition, of the privileges of the Jewish communities within the orbit of the Empire. In the same way they set out to crush every form of religious observance and belief which differed from that of the dominant Church. The first law in the Justinian Code deals with the Trinity, and prescribes that "all the peoples whom the Empire of our loving-kindness governs shall follow that religion which Peter the Divine Apostle handed down to the Romans." Christianity was in double

<sup>1</sup> *Esprit des Lois*, Book 25, chap. 12.

bondage: to the logic of Greece and the law of Rome. Rigidity of faith was imposed because it was believed that the alternative was disintegration. Justinian shut the University of Athens and the Temples of the pagan gods. And the authority of the Church was added to the authority of the State over belief. The decrees of the Church Councils were enforced with a severity greater than that pertaining to the civil law. The sword and the stake were employed ruthlessly to crush out freedom, or—as they regarded it—pernicious aberrations, of thought and belief. The Jews, indeed, could not be prevented from the observance of Judaism despite constant harrying and attacks; but the effect of persecution was to drive them to the countries and peoples outside the realm of Christian Emperors and Councils, to Babylon, Persia, Arabia, and the northern lands.

The persecution of Christian sects within the Empire was more thorough. Entire communities were wiped out for the sake of uniformity of truth: and for a period of a thousand years, from A.D. 500 to 1500, liberty of conscience and freedom of religion were denied in Western Christendom. Not only in the Dark Ages, as they are called, but in the Middle Ages obscurantism and intolerance held sway. From the twelfth to the fifteenth century, in particular, a fierce campaign was waged against all heretics, whether their heresy took the form of a return to Christian pacifism, as with the Albigenses in Provence and the Lollards in England, or whether it was concerned with some doctrinal difference about Christian dogma. Heresy was the most grievous sin, and must be rooted out. It was rebellion against the Pope; and to burn or slay heretics is a supreme duty towards the Church. The fury was partly the outcome of popular panic, in that

the peoples feared that any new movement of thought or belief would destroy the few stable foundations of Europe.<sup>1</sup> And it was partly a false ideology of the spiritual and temporal rulers that unity must be maintained, and that unity meant uniformity.

In the Eastern Empire, which had its centre at Constantinople, the old Byzantium, religious tyranny was less complete, partly because, as we have seen, the State dominated the Church and there was no subordination of emperor to a supreme and infallible Pontiff. Something more of the Roman tolerance survived in that part of the Empire. It is notable, too, that the Byzantine emperors from the beginning assumed the function of protecting Christian communities outside their borders living in *partibus infidelium*. They encouraged Christian missions to the Far East and to the Far North, which brought about the conversion of large populations. The Armenians and numbers of the people of Persia and India, and of the peoples of the lands which we know as Russia and the Ukraine, were brought into the Christian society; but the State in which they lived did not become Christian. The Byzantine emperor regarded it as part of his prerogative to see to the protection of these peoples from any persecution. When the Persian King Chosroes complained in 571 to the Emperor Justinian of the aid given to the Armenians, the emperor replied that he could not decline to succour a Christian people which asked for his aid. When in the seventh century the Arab Moslems conquered parts of the Byzantine realm in Asia and became masters of Jerusalem itself, the Byzantine

<sup>1</sup> In Shaw's *St. Joan* the Bishop who represents the Church speaks of heresy thus: "It is cancerous. If it be not stamped out, burnt out, it will not stop until it has brought the whole body of human society into sin and corruption, into waste and ruin."

emperors secured from the tolerant victors rights of religious freedom for the Christian peoples that now came under the Arab sway.

The treaty which the Caliph Omar made when Jerusalem was ceded runs as follows:

In the name of the most merciful God, this is the treaty for the people of Aelia [the Roman name for Jerusalem]. This is the favour which the servant of God, the Commander of the Faithful, grants to the people. He gives them the assurance of the preservation of their lives and properties, their churches and crosses. . . . Your churches will not be transformed into dwellings nor destroyed, nor will anyone confiscate anything belonging to them, nor the crosses and belongings of the inhabitants. There will be no constraint in the matter of religion nor the least annoyance. The Jews shall inhabit Aelia together with the Christians, and those who live there will be required to pay the Poll-Tax as the inhabitants of other towns. . . . Greeks and rebels are to leave the town but will have a safe conduct. . . . If any of the people of Aelia desire to leave with the Greeks, taking their goods but abandoning their crosses, they will be guaranteed personal safety. The strangers in the town may remain on the condition of paying the tax, or they may leave with the Greeks and return to their own land. . . . All that this treaty commissions is placed under the aid and protection of God and of His Apostle and of His successors and of the faithful, so long as they pay the tax.

That was the new note of religious tolerance which Islam introduced and maintained throughout the period of the Arab Caliphate. And it was in marked contrast to the doctrine and practice of the absolutist Church. The Christian and the Jewish communities were allowed not only religious freedom but, in the way of the old Roman Empire, the right of applying their own system of law in civil matters. Law was not secular but a part of religion; and so the Moslem law did not extend to non-Moslems. "The Christians shall be judged according

to the Gospel; and those who judge otherwise are prevaricators."<sup>1</sup> The Koran corresponded with the *Jus Civile* in early Rome, and was applicable only to those who enjoyed full rights. And the Moslems did not develop a *Jus Gentium*. The system of communal autonomy, which has survived to this day in the East in the form of *Millets* (religious nationalities), led on to the system of Capitulations granted to foreign sovereigns. And it was the Arab, and subsequently Turkish, tolerance which preserved or "embalmed" the various Christian communities in Asia Minor who would have been slaughtered as heretics by a dominant Christian Power.

While the Moslem Caliphs voluntarily granted liberty of worship to the Christians within their realm, the emperors of Byzantium asserted their right to protect Christians within the realms of the barbarian peoples of the north. Thus the treaty made between the Emperor and Prince Igor of Russia, 944, provided that officers of the Orthodox Church in Russia will remain under the jurisdiction of Byzantine authorities.<sup>2</sup>

After the Empire fell, with the capture of Constantinople by the Turks in 1453, this privilege of protection of the Orthodox Christians passed to the Muscovite Empire, together with much else of the Byzantine tradition. It played, as we shall see, an important part in the policy of Eastern Europe from the seventeenth century onwards.

In Western Europe the beginning of religious tolerance came with the development of commerce and in-

<sup>1</sup> Koran, chap. v (51).

<sup>2</sup> See Taube, *International Law in Eastern Europe*. Recueil des Cours of the Academy of International Law, XI, 345.

ternational mercantile relations. The Crusades, though starting from the opposite motive, played their part in the movement in that they led to the growth of trading between East and West. William Petty remarked that the commerce of a country is usually exercised by the heterodox parts of the people; and it has been noted that trade was conducted in India largely by Moslems, in Turkey by Jews and Christians, in the Italian cities of the Renaissance by French merchants who were not Papists and by Jews, in France after the Reformation by the Protestant Huguenots, and in England by the Puritans and the Quakers.<sup>1</sup> The European States gradually came to recognize the need of according to merchants of their own country and to merchants of other countries a certain freedom of worship, and in this way commerce became the ally of reason in introducing liberty of conscience in the West. Holland, which after the Reformation became a great commercial and colonizing country, was the first State in Western Europe to accord that liberty; and historians have seen in that moral advance the reason for her extraordinary progress in the sixteenth and seventeenth centuries, while at the same time Spain and Portugal, that had been first in the colonizing race but had rigidly denied liberty and expelled all heterodox elements, rapidly decline.

The Jews may be regarded as a barometer of civilization. Where they were persecuted or expelled, civiliza-

<sup>1</sup> See Hobza, *Recueil des Cours*, V. The number of Arabic words which form part of the commercial vocabulary of Europe is remarkable: e.g. Cheque, Tariff, Traffic, Magazine. And a curious sidelight upon the interchange of commercial influence between East and West is thrown by etymology. The word for Customs in the languages of the Latin countries of Europe is derived from the Arabic *Dirwan* (French *douane*, Italian *dogana*, etc.); while the word for Customs in the East is derived from the Latin *Commercium* (Arabic *Gumruk*).

tion declined; where they gained liberty, it advanced. Spain, it is said, sacrificed to Catholicism both liberty of spirit and greatness as a nation.<sup>1</sup> The Middle Ages were prolonged there to our day. Ferdinand and Isabella, the Catholic sovereigns who united Spain, regarded a unitary faith as an essential bond of their kingdom. The Jews were expelled in 1492 "because great damage has been caused to Christians through the intercourse which they have held and hold with Jews, who contrive by all ways and means to divert the faithful Christians from our holy Christian Faith."

It required the terrible religious wars of the sixteenth and seventeenth centuries in Western Europe to secure the recognition of religious diversity in the State. And even then, the idea of freedom of conscience and religious worship was far from being won. Holland was for long the one free State in a world "tending towards the uniformity of absolutism."<sup>2</sup> The Edict of Nantes, 1598, issued by the French Huguenot king Henry IV, who, declaring that Paris was worth a Mass, became Catholic for reasons of State and upheld tolerance on grounds of expediency, seemed to secure religious freedom in France. Montaigne, the leader of liberal thought in the sixteenth century, wrote that men had to be very sure of their own faith before burning others for disbelieving it.<sup>3</sup> But in the reign of Louis XIV there was a violent reaction; and the Edict, which had been declared to be permanent and irrevocable, was revoked in the supposed interests of the unity of a Church-Empire. The spirit of the Edict, which declared "if we cannot be of one

<sup>1</sup> *The Legacy of Islam*, p. 4.

<sup>2</sup> Figgis, *From Gerson to Grotius*.

<sup>3</sup> It is interesting that the mother of Montaigne was a Marrano Jewess whose family had fled from Spain to Bordeaux.

religion, then at least we may be of one intention," was to prevail in the end, but only after two centuries of civil war.

The question of freedom of conscience was one of the outstanding problems of political philosophers and international jurists of the seventeenth century. Two years before the publication of the great work of Grotius on the law of war and peace, a book was published in Paris anonymously under the title of *Le Nouveau Cynée*,<sup>1</sup> which professed to be a discussion of the State, showing the means and the opportunity for establishing a general peace. It put forward a scheme for the ambassadors of the States forming a council at Venice to settle any difficulties that might arise between the States. The question, however, which looms largest is the tolerance of religions. The writer pointed out that all religions had the same end, the recognition and adoration of the Divinity; since true religion was a supernatural gift, it must come from God and not from man, who by his armies had not the power to compel belief. He had made a close study of the Jewish tradition, and quotes as an example of tolerance the law of Moses as interpreted by the Hellenistic-Jewish schools, which forbade blasphemy of strange gods, and as an example of peacefulness the sect of the Essenes, who had among them no armourer. He notes, too, that the Turks lived peacefully although they allowed freedom of religion to the non-Moslem peoples.

A century later another French writer, Montesquieu, in his *Esprit des Lois*, plays again and again with delightful irony on the theme of religious persecution and intolerance. He quotes what purports to be an appeal by

<sup>1</sup> See *Le Nouveau Cynée*, translated by T. W. Balch. Carnegie Translations of the Classics of International Law.

a Jew to the Inquisition on the occasion of the burning of a Jewish child, aged ten, at an *auto da fé* at Lisbon, which, he says in order to disarm the critics, is "the most idle thing that ever was written" (Book xxv, chap. 13):

We follow a religion which you yourselves know to have been formerly dear to God. We think that God loves it still, and you think that he loves it no more; and because you judge thus, you make us suffer death by fire who hold an error so pardonable as to believe that God still loves what he once loved. . . .

The appeal goes on to urge that it is contrary to the law of nature and the law of nations to put to death for their belief young children who follow the religion of their fathers. It then urges that Christian teaching calls on them to show mercy and charity, and concludes: "If you will not be Christians, be at least men. Treat us as you would if, having only the weak light of justice which nature bestows, you had not a religion to conduct and a revelation to enlighten you."

The Treaty of Westphalia in 1648 marked the acceptance of the idea that the State should be founded on a secular and not on a religious basis; and that Catholics and Protestants should enjoy religious liberty in the country where their creed was not the State Church. A series of treaties was entered into between kingdoms to prevent the oppression of religious minority groups under the ruler of a different faith. Thus the treaty of 1572 between Queen Elizabeth and Charles IX of France provided for the safety and the personal property of English Protestants in France. Several treaties guaranteeing protection to religious minorities in territory ceded from one Power to another were made during these two centuries. Thus the Treaty of Paris (1760), by which Canada was ceded from France to Great Britain, provided

that the French Canadians should retain free exercise of their language and religion.

It was part of the same movement of tolerance that led to the re-settlement of the Jews in England in the time of Cromwell. "Great is my sympathy," said the Protector, "with this poor people whom God chose and to whom He gave His law." Yet in face of the opposition of the Church and of the merchants he could not obtain for them equal tolerance, but simply the right of re-entering the country. He illustrates himself the incomplete tolerance of the period. Of the ruthless persecution of the Waldenses by Louis XIV he remarked: "To be intolerant of such things is a great sin, and a deeper sin still it is to be blind to them from policy or ambition." Yet he was responsible himself for massacres of the Irish Roman Catholic priests. From Cromwell to Wilberforce, says Trevelyan, the road lay through Voltaire. "Religion had to go to school with her rival reason; till the Rationalist movement had shaken the persecutor's sword from the hand of faith." The Toleration Act, 1689, at last gave the Dissenters in England civil, though not political, equality; but the sects that were tolerated—at a price—were kept in a position of inferiority.

While the treaties of the seventeenth and eighteenth centuries provided for a measure of religious freedom for foreigners, the right of citizens of the country to such freedom was still denied in Europe. International toleration and the recognition of alien faiths between States preceded tolerance within the State. In the New World, however, when the colonies which were largely inhabited by religious Dissenters became the United States of America, a broader basis of liberty of conscience was laid. Already in 1649 a Toleration Act was passed in

Maryland at the instance of the Catholic Lord Baltimore, who proclaimed the principle of religious freedom. And in the Constitution of the Colony of Pennsylvania (1685) the Quaker, William Penn, laid down that "every person who should reside therein should have and enjoy the free profession of his faith and exercise of worship toward God, in such way and manner as every such person shall in conscience believe is most acceptable to God." The Constitution of Rhode Island, one of the States of the Union, provided from the outset for complete liberty of conscience: "All men may walk as their conscience persuades them; every one in the name of God."

The Pilgrim Fathers and the founders of the democracies of New England were deeply influenced in their political as well as their religious ideas by the Hebrew scriptures. They found therein authority both for their opposition to monarchy and for the religious ordering of life by the State. The first form of Government was a theocracy; but Roger Williams, the founder of the Commonwealth of Rhode Island, revolted against that doctrine and laid down the fundamental principle, which in the end prevailed through the States, of religious freedom and of the separation of the Church from the State. Finally the Declaration of Independence prescribes as follows:

All men are created equal; they are endowed by their Creator with certain inalienable rights; among them are life, liberty, and the pursuit of happiness.

The first amendment of the Constitution enacted that Congress should make no law respecting the establishment of religion or prohibiting the free exercise thereof. "A free Church in a free State" became the corner-stone of the American system. In the years immediately

following the Declaration of Independence, the States of New York, Pennsylvania, and Virginia adopted that principle, which is expressed in the Constitution of Pennsylvania, thus:

All men have a natural and inalienable right to worship God according to the dictates of their own conscience and understanding. . . . Nor can any man who acknowledges the being of God be justly deprived of any civil right as a citizen on account of his religious sentiments.

The Declaration of the Rights of Man proclaimed in the French Revolution, which was profoundly influenced by the American Declaration, amplified and fortified the same principles. Article 10 laid down:

No person may be molested in his opinions, even in religion, provided that the expression does not affect public order established by law.

And Article 11:

Free communication of ideas and opinions is one of the most precious rights of man. Every person may speak, write, print and teach, subject to his liability for any abuse of the right.

The Revolutionary theory was the equality of man as a human being. Each person, regardless of birth, colour, and religion, was possessed of inalienable rights. That was a broad idea going beyond the equality of men in Christianity or Islam which was limited by adherence to a particular religious faith.

The principles of the French Revolution gradually received acceptance throughout Europe and America during the nineteenth century. The ideal was no longer a unitary Church-State in which all the inhabitants belong to one religion, but rather a Welfare-State seeking the good life for all its inhabitants, and recog-

nizing in matters of religion and opinion the principle of diversity in unity. In many countries there was complete separation of Church and State. It came to be recognized that a greater degree of national unity is attained where there is complete religious toleration than under a system of national religion: and that religious persecution breeds rebellions and weakens empires.

There was, indeed, a reaction at the end of the Napoleonic Wars against freedom of thought. One of the purposes of the Holy Alliance was to protect the Christian religion and Christian morality, which were to become again the basis of public life. The three absolute monarchies of Russia, Austria, and Prussia, representing respectively the Orthodox, Catholic, and Protestant Churches, regarded themselves as members of one Christian nation and as delegated by Providence to govern the three branches of one family and to uphold everywhere the principles of Christianity. The year of Revolution—1848—put an end to the period of reaction; the secular idea of the State prevailed; and the struggle for complete liberty of conscience and the abolition of discrimination on the ground of religion was pursued in the Western countries.

The civil and political disabilities of the Jews were gradually removed—but in some States only after a long struggle—in face of the conception of a common citizenship. The revolutionary government of Napoleon accorded the Jews civil equality in France and in Holland; but elsewhere on the Continent emancipation tarried. The final Article of the Treaty of Vienna regarding the Federal Constitution of Germany contained a clause recommending the grant of civil rights to the Jews, but the recommendation was not adopted in practice. The

Congress of Aix, held three years later, further considered the question of Jewish rights, and the Powers undertook to have regard to the reform of the civil and political legislation concerning the Jewish nation, as it was significantly called.

The Congress of Vienna laid down in the Constitution of Holland the principle of religious equality for all communities, and a similar provision was made when Belgium was organized as a separate State. It may be noted that the two States of the Netherlands separated principally owing to religious differences. The Congress of Vienna required Switzerland also to give full religious liberty to the Catholics in the portions of Savoy which were transferred to the Canton of Geneva.

When Turkey was admitted to the Society of Nations after the close of the Crimean War, she was required to make a declaration of religious liberalism; and the Sultan issued in 1856 the *Hatti Hamayoun*, which purported to assure civic equality and religious autonomy to the non-Moslem peoples of the Ottoman Empire. That was the culmination of a movement for the rights of religious minorities in Turkey which had been the feature of international relations for more than two centuries, and which we must consider more in detail.

When the Turks succeeded the Arabs as the rulers of the East, they maintained the system of communal autonomy and freedom of worship to the Christian and Jewish inhabitants; and they also granted to the Christian sovereigns of Europe the privileges of consular jurisdiction and immunity from taxation for their subjects resident or travelling in the Empire. Those privileges are compendiously known as the System of the Capitulations, because they were originally laid down in chapters

(*capitula*) of treaties between the Turks and the French kings. The word occurs first in the Treaty of 1569, but the first treaty of the kind was made with Francis I in 1536, by the great Sultan, Suliman the Magnificent. The Christian king was accorded rights of protection over Christian religious persons in the Ottoman Empire, in the first place voluntarily on the part of the Sultan. For a long period France was recognized as the leading Christian Power and the protector of all Latin Christians.<sup>1</sup> The treaty between the Sultan and Francis I prescribed liberty for French merchants and pilgrims in the Orient to observe their religion, and extended the guarantee to subjects of the Pope, the King of England, and the King of Scotland. But England obtained a separate treaty in 1583. The treaty of 1601 between Henry IV of France and the Sultan assured protection for the pilgrim subjects of the King of France and his allies, and for monks residing in Jerusalem. Louis XIV of France obtained fresh Capitulations in favour of all religious persons of the Latin rite in the Ottoman Empire, so that the French protection was extended over the Latin Christian subjects of the Sultan. In 1740 the Capitulations became permanent.

As the Central and Eastern European Powers became stronger and the Turks became weaker in the seventeenth and eighteenth centuries, it became the practice for the victorious States at the end of their wars with Turkey to insert provisions in the treaty specifying the rights of Christian subjects of their particular Church. So rights

<sup>1</sup> As far back as the time of Charles of Anjou (1270), who made peace with the Arab Emirs of North Africa after the death of St. Louis in the last of the Crusades, it was provided that the Christian monks and priests should be free to establish themselves in the Moslem States.

of protection were laid down for the Orthodox as well as for Latins, and the power of protection over Latin Christians was no longer restricted to France. Thus, in the treaty between Austria and Turkey in 1615 the right of the Christians to build churches and conduct their worship freely is specified. The Treaty of Carlowitz, 1695, prescribes that the Ambassador of Poland shall have the right to bring before the Sublime Porte any demands with regard to religion. The Treaty of Küchuk Kainarji between Turkey and Russia in 1774 prescribes that the Sublime Porte shall protect the Orthodox Christian religion and churches, and permits the ministers of Russia to make representations at all times.

From that time the Russians were definitely recognized as the protectors of the Eastern Churches, and the Orthodox in Palestine with their help were enabled to make themselves masters of the Holy Places. When the new Christian Balkan States were carved out of the Ottoman Empire during the nineteenth century, they were made to insert in their constitutions provision for religious liberty and civic equality for all inhabitants without discrimination on the ground of religion. The obligation was not fairly honoured, particularly as regards the Jewish population in Rumania. The Treaty of Berlin, concluded in 1878 after the Russo-Turkish War, reaffirmed the principle of religious equality in Turkey and the States detached from the Ottoman Empire, Rumania, Servia, Bulgaria; but the new treaty obligation was not better observed.

The States of Eastern Europe, Christian and Moslem, had not yet reached an understanding of religious liberty. State oppression intensified the religious national feeling of the oppressed section. That was the case of the Christian

communities in Turkey, as of the Roman Catholic community in Poland after the Partition.

International law formerly recognized a right of States to intervene with other States whose policy towards a part of their subjects offended the principles of humanity; and throughout the nineteenth century there were frequent interventions of the Western Powers on those grounds to secure decent treatment for religious minorities. It was the habit of Russia, when she took the upper hand against her Moslem neighbour, to intervene on behalf of the subject populations in Turkey. Her wars had usually as their motive the claim to protect the Orthodox Christians.

In 1860, moreover, the French sent an expedition to Syria in order to protect the Christian Maronites, who belonged to the Catholic Church, against the extermination with which they were threatened by the warlike Druses of "The Mountain" whom the Turks could not control. Finally the ambassadors of the five Great Powers signed a treaty with the Turks which provided for the appointment of a Christian governor of the Lebanon and a form of autonomous government for that province, and placed the Christian communities under the effective protection of the French.

On several occasions the European Powers and the United States intervened pacifically and diplomatically to secure equal rights for the Jewish population in countries in which those were still denied. When Switzerland, prior to the grant of religious equality by the Constitution in 1872, sought to prohibit Jewish subjects of foreign countries from settling in certain cantons, France, England, and the United States jointly made representations. Monsieur de Lesseps, the engineer of

the Suez Canal, who was the Chairman of the Commission of the French Senate, reported to that body that "no distinction may be recognized in the enjoyment of civil and religious rights between a French Jew and a French Catholic or Protestant. The equality of rights must also follow citizens beyond the frontier; and the principles of our Constitution do not authorize our Government to vary the protection of its subjects according to the faith they profess." The Swiss Government was compelled to grant foreign subjects of the protesting countries the right to carry on their business without distinction of faith. For a time, then, a foreign Jew travelling in Switzerland received preferential treatment over the native Jews; but the action of the foreign States led on to the emancipation of the Jewish people in the country.

The same countries intervened with Rumania in 1872, and again at the Congress of Berlin, 1878, to secure equal treatment for the Jews. But, despite the provisions of the Treaty of Berlin and the efforts of the liberal leaders of many countries, the Rumanian Government evaded its obligations by denying citizenship to the great majority of her Jewish population, until the Treaty of London, concluded at the end of the Balkan War, 1912, prescribed expressly civic rights for the Jewish population. Even thereafter she contrived to discriminate against the Jews.

In 1902 the Jewish massacres at Kishineff and other places in Russia roused the conscience of the Christian communities in England and the United States; but the Governments did not find it feasible to make any official representation. President Roosevelt of the United States sent, indeed, a petition from the Jewish citizens to the United States Ambassador at St. Petersburg with a

letter which recited the atrocities, and caused the letter to be published in all countries. This was a way of expressing public opinion without direct intervention. The United States Government took more definite action with regard to discrimination against Jews by Tsarist Russia some years later, when a question arose as to the refusal to honour the passports of American citizens who were Jews. Here the Government was on firmer legal ground for taking action, since the discrimination affected its own subjects.

In 1910 the House of Representatives passed a resolution declaring that the people of the United States assert as a fundamental principle that the rights of its citizens shall not be impaired at home or abroad because of race or religion, that the Government of the United States will not be a party to any treaty which discriminates, or which is construed by one of the parties to discriminate, between American citizens on these grounds, that the Russian Government has violated the commercial treaty by refusing on account of race and religion to honour American passports issued to American citizens, and that the treaty ought to be terminated at the earliest possible moment. The President denounced the treaty in 1911.

The question of freedom of conscience and worship was raised during the nineteenth century not only in Europe but in connection with the European colonies and protectorates carved out of Africa. The right to religious liberty was laid down in the Constitution of the Congo Free State which was drawn up by the Concert of Europe in 1885. Three years later the Institute of International Law adopted a resolution with regard to the occupation of territories in Africa, that freedom of

conscience should be granted to natives as well as to foreigners, and freedom of worship should not be restricted or hindered in any way. That was a precedent for the principle of freedom of worship and the prohibition of all discrimination on the ground of religion, which was part of the settlement of African territories after the Great War.

In India, too, where the British rule was steadily extended, that principle was affirmed in the proclamation of Queen Victoria of 1858, after the end of the Indian Mutiny, which arose, in part, out of religious passions. "Firmly relying ourselves on the truth of Christianity . . . we disclaim alike the right and desire to impose our convictions on any of our subjects. We declare it to be our royal will that none be molested or disquieted by reason of their religious faith or observance, but that all shall enjoy the equal and impartial protection of the law."

Another remarkable development of the principle of religious freedom during the last century was consequent on the growth of Christian missionary enterprise, which was bound up with the European colonization and economic linking up of the world. The Christian missions were a certain, though inadequate, check on the ruthless exploitation of the weak and primitive peoples of Asia and Africa in the scramble for territories and wealth that engaged the European countries in the nineteenth century. Previous to that century, the missions had been conducted almost exclusively by the Roman Catholic Church, which, as we have seen, sent its emissaries in the Middle Ages to India and Central Asia, and afterwards to the Far East and the New World. The nineteenth century, however, saw an extraordinary growth

of Protestant missions, both in the East and throughout the continent of Africa.

For a long time no political obstacle was set to the missionary work. In Africa the native peoples could not offer resistance; and in the Far East tolerance in religious matters was an outstanding characteristic of the old civilization. When the Nestorian missionaries came to China in the seventh century, the emperor ordered a Christian temple to be built, and stated in his decree, "Truth does not always appear under the same name, nor is the Divine inspiration always embodied in the same force. Religions vary in various lands, but the underlying principle of all is the salvation of Mankind."<sup>1</sup>

In the nineteenth century, when religious missions were accompanied by, or preceded, commercial enterprise and demands for extraterritorial jurisdiction from the European Powers, the welcome was restricted. Japan, too, originally gave ready admission to Christian missionaries who followed the Portuguese traders in the sixteenth century. Her national spirit was subsequently roused against the foreign teaching, and for two hundred years it was a penal offence to profess Christianity. The European Powers and the United States put pressure upon her in the middle of the nineteenth century to withdraw the ban; and the Constitution now gives complete freedom of religion. The right of Christian missionaries generally to enter a country and carry on their teaching, though originally extorted by the European States as a part of their claim to superiority, came to be recognized as a part of public law. The Congress of Berlin in 1885, which considered the policy of the European Powers in Africa in relation to the natives, made a declaration that the

<sup>1</sup> Giles, *Confucianism and its Rivals*, p. 196.

Powers should undertake to favour and aid the work of religious missions and all institutions tending to the education of the natives.

During the nineteenth century, indeed, missionary work in the East was often associated with political ambitions. It is significant of this attitude that, by a treaty made between France and China in 1899, it was prescribed that the Pope should be recognized as an Emperor of the Faith and the Catholic missionaries in China should receive the rank and status of Chinese dignitaries. A bishop ranked as a viceroy or governor, a priest as a prefect or sub-prefect.<sup>1</sup> The *French Encyclopedia* published at the end of that century referred to the power of missionaries to extend the influence of their nation and to open the way for a Protectorate. Lord Salisbury, the Prime Minister of Great Britain in the same period, said cynically, "First the missionary; then the trader; then the gunboat."

The rising national feeling in the East fostered a popular movement against the Christian missionaries, who were not unnaturally regarded as emissaries of foreign influence and domination, and as protected by the "unequal treaties" that are so fiercely resented. Ironically, the effect of the educational activity of missionaries has been to bring European political and social doctrines to the East, and so arouse the feeling which is hostile to that activity. Missionaries in the East have done much, also, to promote national sentiment by the establishment of printing presses for the national literature. One of the features of Eastern Christianity in our day

<sup>1</sup> See Boegner, *Protestant Missions and International Law*, Recueil des Cours, 1929, vol. iv; Goyau, *Les Missions Catholiques*, *ibid.*, vol. i; Grentrup, *Die Missions-Freiheit*. Berlin, 1928.

has been the formation of national Churches in India and China. The privileges of the Catholic missionaries in China were abolished in 1918, and since the Great War religious missions generally have been dissociated from national and imperial interests. The carriers of religion have been unwittingly carriers of a nationalism which has radically changed the foundations of the foreign missions. The basis of the new order is, on the one hand, freedom of religious teaching, and, on the other, abolition of religious imperialism or domination. It is a step towards the recognition of religious equality by the side of religious liberty. A further development, the idea of religious fraternity or co-operation of the different creeds for common ends, is just coming to birth.

## CHAPTER X

### RELIGIOUS FREEDOM SINCE THE GREAT WAR

WE have seen that two large questions are involved in the subject of religious freedom, the political treatment of religious minorities, and freedom of conscience and religious worship. The Treaties of Peace made at the end of the Great War place these two questions on a clearer and more definite basis than existed before; and embody rules concerning them which now form part of the public law of nations.

Professor Huber, the Legal Adviser of the Swiss Government (and subsequently President of the Permanent Court of International Justice), who prepared before the end of the war a report on the problems of the League of Nations, suggested that, as the Religious Wars of the seventeenth century were concluded by a treaty which assured equal treatment to the different creeds, so the war of nationalities should end in the recognition of the principle of equal treatment and toleration for national and linguistic minorities. The framers of the peace adopted the principle and extended it in favour of minorities which were religious. Jewish bodies played a part at the Peace Conference in securing international sanction for these rights, not only on behalf of the Jewish people but for all religious and national minorities. Immediately after the Armistice was declared, an American Jewish congress was held at Philadelphia which represented three million Jews. It sent a delegation to the Conference that took the lead in the negotiations about the minorities of Europe. Jewish assemblies were

held in other countries with the same aim; and the Jewish representatives at Paris were formed into a Committee of Delegates.<sup>1</sup>

Moved by the failure of earlier treaties to assure to the Jews civil and religious rights in Rumania and other Balkan States, the delegates were concerned that the rights of minorities should not only be an international obligation of the States, but they should be expressly protected by the organs of the new international society. On their suggestion President Wilson included a declaration about minorities among the points to be embodied in the Covenant of the League of Nations.

"The League of Nations will demand, as a condition precedent to the recognition of any new State, an undertaking to accord to any racial or national minority within its jurisdiction the same treatment and security as it accords to the racial or national majority." The provision was embodied in the draft of the Covenant, with the addition of the words at the beginning: "recognizing that religious persecutions and intolerance have been a fruitful source of wars": and words at the end requiring that "a State shall not establish any distinction in law or fact with regard to those who adhere to any faith, religion or belief of which the exercise is not incompatible with public order and morality."

Another draft of the Covenant contained a clause in the following terms:

The parties agree in declaring that no obstacle shall be placed on the free exercise of every creed, religion or opinion of which the practice is not incompatible with public order and morality, and that in their respective jurisdictions nobody shall be disturbed in

<sup>1</sup> Feinberg, *La Question des Minorités à la Conférence de la Paix*. Paris, 1929. And *God in Freedom*, pp. 735 ff.

his life, liberty or pursuit of happiness, by reason of his attachment to any creed, religion or opinion.

Neither clause was incorporated in the Covenant. Objection was raised in some countries that any such declaration would be contrary to their constitution; and complications were caused by a Japanese amendment concerning racial equality. The principle, however, is embodied in the so-called Minorities Treaties signed between the principal Allied Powers and Poland, Yugoslavia, Czechoslovakia, and the Baltic States. The rights secured by the treaties were of three classes:

1. Civil, religious, and political liberty of the members of the minorities as individuals.

2. The right of organization and development as national minorities.

3. Equality of status for individuals and for national minorities.

Poland accepted the provisions of a treaty prepared by the Supreme Council which included specific assurances for the Jewish population; the obligation to respect the Jewish Sabbath, to give Jewish schools and communities the right to share in a proportionate part of the budget funds allotted to education, to apply to Jewish elementary schools the prescriptions concerning the use of the national language of a minority. The other Powers accepted the general principles of minority rights, but not the specific assurances in favour of Jews: save that the Rumanian Treaty included a clause by which Rumania undertook to recognize absolutely as her subjects Jews inhabiting her territory and not claiming any other nationality.

The general rights included in the treaties are an amplification of the principles of the Constitution of the

United States concerning human rights, in favour of minority populations. They comprise freedom of worship, equal treatment of all citizens before the law, the use of a national language, and the right of the minority to a fair share of any public funds devoted to educational, religious, or charitable purposes. The basis of these provisions imposed by the International Society is that, the greater the respect and protection accorded to the exercise of the rights of any group to use their mother-tongue, practise their religion, and develop their culture irrespective of the political frontiers, the less likely is international peace to be disturbed. National and religious tolerance is made an international obligation; and the safeguard of the minority rights is entrusted partly to the Council of the League of Nations and partly to the Permanent Court of International Justice.

Any Power which is a member of the Council of the League of Nations may submit to the Council or the Court of International Justice a complaint of discrimination against a minority group in a State bound by these provisions. When the Polish Government protested against the treaty proposals as an infringement of sovereignty, the Supreme Council of the Allies pointed out that

under the old regime the guarantee of the execution of prescriptions of the kind was vested in the Great Powers. Experience showed that it was in practice inoperative, and it was open to objection that it gave the Great Powers a right of intervention in the domestic constitution of the States in question, which might be exercised for purely political ends. In the new system the guarantee belonged to the League of Nations.

While the minority clauses are applied only to the Succession States and new States, and not to the older

established Powers, a resolution was passed by the Assembly of the League in 1922 expressing the hope that States not bound by any legal obligations would observe at least as high a standard of justice and toleration as is required by any of the treaties. This resolution was designed to meet the objection of the new States that they were put on an inferior status in relation to the older Powers in that they were subjected to an international control. But it did not get rid of the resentment or the sense of discrimination; and it was scantily honoured by the States mainly concerned.

The safeguards prescribed in the treaties have, indeed, been found in practice somewhat illusory on account of the unwillingness of the Greater Powers to press the claims of the minorities even where cases of oppression and injustice have been made out. In several of the new States the rights of minorities have been consistently flouted. It has been said that the difference between co-operation and collusion lies only in the sincerity of the parties; and even if they are sincere, the Powers on the Council of the League manifest a "timid virtue" about co-operation. The result is that the question of minorities is "the skeleton in the cupboard of the League," and is one of the grave perils to the peace of the world. Objection, indeed, has been made to the provisions on the ground that they are an obstacle to the secularization of the State and the solidarity of mixed populations; so long as a religious or national minority has a treaty right to particular consideration, a State cannot get rid of religious classifications. The objection is not valid. So long as any community in the State is anxious to retain its communal religious life, it should receive full opportunity for that purpose. The extinction of religious,

racial, and national diversities is not a step towards true national solidarity and is contrary to the fundamental principle of intellectual liberty.

It was the hope of the framers of the Minority Treaties that if the minorities' religious and cultural rights were fully assured, they would give up the desire for political independence. The movement of opinion in recent years has been to generalize the rights and fortify their sanction. The *Institut* of International Law, which is an authoritative body of jurists of all countries, drew up a "declaration of the international rights of man" at its meeting in 1929 with regard to these rights individual and communal; and at its meeting in 1931 went on to propose that a community aggrieved should have the right of recourse to the Court of International Justice without requiring the permission of the State involved; since the rights are inherent in the nature of man and not derived from the State, they should not be submitted to the final control of the State but be protected by the Palladium of International Justice.

The "Act" of 1929 constitutes a new declaration of the rights of the individual, which may precede general international acceptance, as many previous "acts" of the Institute have done. It is expressly connected with the American Declaration of the Rights of Man, and lays down:

Considering that the juridical conscience of the civilized world demands the recognition of individual rights beyond the infringement of the state; that the declaration of rights inserted in many constitutions has not only provided for citizens but for mankind; that the 14th Amendment of the United States Constitution provided that no state can deprive a man of life, liberty and property without due legal procedure, or shall deny anybody within its jurisdiction equal protection of law. . . . That it is desirable to

extend the recognition of the international rights of man throughout the world. . . .

(1) It is the duty of every state to allow the individual equal rights of life, liberty and property, to grant to all on its territory full protection of their rights without distinction of nationality, sex, race, language or religion.

(2) It is the duty of every state to allow equality of rights and the free exercise, public or private, of every faith, religion or belief, the practice of which is not incompatible with public order or morality.

(3) It is the duty of every state to allow the free use of any language and the teaching thereof.

(4) The state shall not on any ground of difference of sex, race, language or religion, deprive any of its nationalities of their private or public rights, notably of their admission to public educational institutions, and the exercise of the different economic industries, professions and trades.

(5) Equality shall not be nominal, it excludes all discrimination direct or indirect.

(6) No state has the right to deprive individuals, save for reasons derived from the general legislation, of their nationality on account of sex, race, language or religion; nor shall it deprive them of the guarantees provided in the above Articles.<sup>1</sup>

A matter not dealt with in the Resolutions which has aroused unrest in Eastern Europe is the right of a religious minority, which is at the same time a national or linguistic minority in a State, to maintain contact with its principal Church in another State. It was urged at the Conference of the World Alliance for International Friendship through the Churches held at Cambridge in 1931 that minorities must not be prevented from using their mother-tongue in the performance of their religious worship; their co-operation with their co-religionists in other

<sup>1</sup> See *Contemporary Review*, September 1931. *American Journal of International Law*, January 1932.

countries must not be obstructed; and their spiritual activities should not be impaired on political grounds. International religious organizations are taking a prominent part in defending minority rights. They recognize that the League of Nations can only insist on obedience to the letter of the law, while peace and justice require the acceptance of the principles in the spirit which religion should inculcate.

The need for the adoption of more liberal practices by the State towards minorities has been exemplified in the relations between the nations of South-Eastern Europe since the conclusion of the war. The doctrine *cujus regio, ejus religio*, which affected Europe after the religious Reformation, has had after the struggle of nationalities a modern mischievous counterpart: *cujus regio, ejus natio*. A vast Greek population was expelled from Asia Minor by the Turks, and conversely a vast Turkish Moslem population was expelled by the Greeks from Macedonia. The Armenians who survived massacre during the war have been so oppressed that they sought refuge outside Turkey; and similarly the Chaldean and Assyrian Christian minorities that were left in Turkey in Asia have in great part migrated to the neighbouring States. The national movement which has gripped the Eastern peoples has tended to take an extreme and exclusive form which Europe is learning to discard. These examples of exclusive nationalism may, however, be regarded as due to passions aroused by the war which have not died down. For the treaties signed at the end of the strife prescribed a more liberal attitude. The rights of Moslems in certain of the enlarged European States are specifically safeguarded. Thus Yugoslavia undertook to pass all necessary measures to secure to

the Moslems religious liberty, to regulate according to Moslem law questions of family rights and personal status, and to protect mosques and *wakfs*. Bulgaria entered into similar obligations with regard to the Moslems in her territory. On the other side, Turkey, in the Treaty of Lausanne, undertook with regard to her non-Moslem communities to provide for the regulation of all matters concerning family and personal status according to the usage of the minorities. The regulations are to be framed by a special commission with equal numbers representing the Turkish Government and each of the minorities. She undertook also to respect all religious buildings and pious foundations. Ottoman subjects of any community are not to be required to do anything contrary to their religious belief, nor placed under any incapacity if they refuse to appear before the courts on their religious day of rest.

A letter attached to the Treaty of Lausanne and written by Izmet Pasha to the President of the English Delegation concerning British religious, educational, and medical institutions in Turkey, gives an undertaking by Turkey to recognize all such institutions that were established before the outbreak of the Great War and to regularize their legal status. While, however, the principle of religious freedom has been established in the secularized Turkish Republic, the heightened national feeling in that Republic, as in China, tends to cause friction against Christian missionary work which is regarded as a denationalizing agency. And the movement against the Moslem religion in the former Moslem State has led to action against religious education, even in missionary schools.

The privileged position hitherto enjoyed by foreign

persons and religious bodies in Turkey has been abolished. By a convention attached to the Treaty the Allied Powers agreed to the abolition of the Capitulations, which had already been abandoned by the Central European Powers that were allied with Turkey in the war. Foreign subjects resident in Turkey are now within the jurisdiction of the Turkish courts and subject to all the Turkish laws, including those concerning taxation. The only survival of the old regime is that questions concerning their personal status may be tried by their national courts in the State of which they are subjects. The distinction between Moslem and non-Moslem and between Ottoman and foreigner as regards civil rights has disappeared; and as we have seen, since the denunciation of the Caliphate and the disestablishment of the religion of Islam the Turkish State has been more completely secularized than many European States. The French protectorate over the Latin Catholics and Uniate Churches in the Turkish Empire, which had been exercised for four hundred years, was brought to an end by the Treaty.

Another country in which in recent years a revolution has brought about complete secularization, the disestablishment of the Church, and the abolition of all discrimination on the ground of race or religion, is the Union of Soviet Socialist Republics which covers the greater part of what was the Holy Russian Empire. There the reaction against a State-Church closely bound up with an autocratic and oppressive Government, together with the Marxian materialism which is the theoretical basis of the new economic and social order, has led on to a movement against all religious observances and religious teaching. The reaction threatens to be as oppressive of

liberty of conscience and thought as was the old regime.<sup>1</sup> The Communist Government is opposed to any established religion, as well as to the Orthodox Church, which was the State-creed, for a number of reasons.<sup>2</sup> It claims to follow the teachings of physical science, and so objects to the transcendental and mystic elements in religion. It holds to its fierce Marxian dogma, and is opposed to the flexibility of religious doctrines. It holds to the right of the individual to self-expression, and so is opposed to any association which inculcates reverence for authority. It holds to the continuous class-war, and so is opposed to the teaching of toleration. It holds to the absolute devotion of the individual to the State, and so is opposed to the bond between the followers of a religious creed. It holds to the need of preparedness for war, and so is opposed to the pacifism of certain religious communities. And lastly, it holds to the communistic subordination of the individual, and so is opposed to any doctrine which enhances individual responsibility. The new tyranny of atheism matches the old tyranny of the established religions.

Lastly we may notice the provisions made to ensure freedom of conscience, public worship, and missionary activity in the territories detached from Turkey and placed under a Mandate, and in the former German Colonies which have likewise been entrusted to the government of Mandatory Powers on behalf of the League of Nations.

Freedom of conscience and religion is a fundamental principle of Article 22 of the Covenant of the League

<sup>1</sup> The Vatican proposed to the Powers of Europe at the Genoa Conference of 1922, to which the Soviet representatives were admitted, to lay down religious freedom as a condition of recognition of the Government. But nothing came of the proposal.

<sup>2</sup> See *The Round Table*, 1931.

which introduces the Mandate System, and prescribes broadly conditions of government for the Mandatory Power in the execution of the "sacred trust of civilization" on behalf of the League of Nations. The general provision is applied differently in the various Mandate instruments; but in every case the principle is maintained.

The Palestine Mandate lays down that the Mandatory shall be responsible for safeguarding the civil and religious rights of all the inhabitants of Palestine irrespective of race and religion. (Article 2.)

Respect for the personal status of the various communities and for their religious interests shall be fully guaranteed. (Article 9.) The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion, or language. No person shall be excluded from Palestine on the sole ground of his religious belief. (Article 15.) The Mandatory shall be responsible for exercising such supervision over the religious or eleemosynary bodies of all faiths as may be required for the maintenance of public order and good government; and subject thereto no measures shall be taken to obstruct or interfere with the enterprises of such bodies, or to discriminate against any representative of theirs on the ground of his religion or nationality.

The Mandate for Syria and the Lebanon contains provisions concerning respect for the personal status and for complete freedom of conscience, that follow closely the articles of the Palestine Mandate; and it contains also two articles that are in rather different terms from those touching the same matters in the Palestine instrument.

The Mandatory shall refrain from all interference in the administration of the Councils of Management or in the management of religious communities and sacred shrines belonging to the various religions, the immunity of which has been expressly guaranteed. (Article 9.) The supervision exercised by the Mandatory over religious missions in Syria and the Lebanon shall be limited to the maintenance of public order and good government; the activities of these missions shall in no way be restricted, nor shall their members be subjected to any restrictive measures on the ground of nationality, provided that their activities are confined to the domain of religion. (Article 10.)

The treaty between His Britannic Majesty and the King of Iraq, concluded in 1922, which, with the consent of the League of Nations, replaced the Draft Mandate for Iraq, laid down certain conditions of liberty of conscience, etc., to be embodied in the organic law of Iraq. That law is to ensure to all complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion, or language; and the right of each community to maintain its own schools for the education of its own members in its own language . . . shall not be denied or impaired. Another article of the treaty lays down that no measures shall be taken in Iraq to obstruct or interfere with missionary enterprise, or to discriminate against any missionary on the ground of his religious belief or nationality.

The Permanent Mandates Commission, which supervises the administration of the Mandates, has been at pains to see that these provisions are honoured in the spirit as in the letter. With regard to Iraq, they were exercised about a case of an apparent miscarriage of

justice in the local courts by which the Bahai community in Bagdad was deprived of the property in which it held its religious meetings. Contrary to its usual practice of not interfering with judicial decisions, they recommended to the Council of the League to make representations to the Mandatory so as to ensure that the wrong should be corrected; and action has in fact been taken to that end.

The Permanent Mandates Commission has also been exercised at its recent meetings over the question of the safeguarding of religious liberties and autonomy of the non-Moslem communities in Iraq when the Mandatory relation is terminated and the guidance of the British Mandatory is withdrawn. Great Britain proposed that that step shall be taken this year (1932); and the Commission and the Council of the League were concerned with the consideration of two matters:

- (1) The general conditions to govern the termination of any Mandate, and
- (2) The particular conditions to be required before the Mandate for Iraq comes to an end, and the new Arab State is admitted as a member of the League of Nations.

On the first matter the Commission, at its meeting in June 1931, included in the conditions that the emancipated State should furnish guarantees to the League of Nations in the form of a declaration which should ensure "the effective protection of racial, linguistic, and religious minorities . . . freedom of conscience and public worship, and the free exercise of the religious, educational, and medical activities of religious missions of all denominations, whatever their nationality." On the particular question of Iraq it was noted that the Treaty of Alliance

made between Great Britain and Iraq to come into force when the Mandate is terminated is silent about minority rights; and there was no doubt that the minority populations, both Christian and Kurdish, were seriously apprehensive of oppression by the Moslem State. The British High Commissioner, however, who appeared before the Commission at its meeting in November 1931, was emphatic in his assurance that a spirit of tolerance reigned in the Government and the people of Iraq. Moved by his representations the Commission, though somewhat reluctantly, ended by recommending that special administrative measures need not be imposed, but that Iraq should be required to sign an undertaking in a formal declaration to the Council of the League of Nations regarding the treatment of minorities, and to give adequate guarantees for the protection of the religious beliefs of the minorities. Iraq should accept the rules of procedure by which the minorities, as well as any person, association, or interested State, have the right to send direct objections to the League of Nations. The provisions concerning minorities should constitute international obligations and be placed under the guarantee of the League. Any difference of opinion as to questions of law or fact arising out of them between Iraq and a member of the Council of the League would be a dispute of an international character which could be referred to the Permanent Court of International Justice.

The Mandates for the African territories specifically prescribe the freedom of missionary enterprise. Thus the Mandate for Tanganyika, which is under a British Mandate, lays down in Article 8:

Missionaries who are subjects of states members of the League shall have full liberty to enter the territory, to travel or reside

where they please, to acquire property, to erect religious buildings, and to open schools throughout the territory. It is understood, however, that the Mandatory shall have the right of exercising such control as appears necessary for the maintenance of public order and good administration.

The Mandate for the Pacific Islands, which is entrusted to the Government of Japan, contains a similar provision:

Subject to the measures taken by the local legislation for the maintenance of public order and morals, the Mandatory shall assure in the territory liberty of conscience and the free exercise of all forms of worship; and shall permit the missionaries who are nationals of states—members of the League—to enter, travel and reside in the territory in order to carry out their ministry or their vocation.

A stipulation to the same effect is included in the Treaty of St. Germain made in 1919 between the principal Powers with regard to the regime in all their African colonies and protectorates. It guarantees the free exercise of all religions and the equality of religious missions, subject only to the needs of public order.

The provisions in the Mandates and the treaties, and the discussion of the conditions for the termination of a Mandate in relation to the religious rights of minorities, are significant of the outlook of the civilized world to-day on the question of religious liberty. It may be claimed that they represent the world conscience in these matters, and indicate the consensus of enlightened opinion on a principle of public law, that every people and every community should have the right to conserve and to spread its religion in its own way. That is an enormous advance from the doctrine of uniformity and the repression of free opinion which ruled in the Middle Ages.

Lastly, it is to be noted that in recent years a movement

has been founded for the international organization of missions, particularly of Protestant missions, so that the religious work may be conducted without national rivalries and competition, and without imperialistic taint. The first International Missionary Conference after the war was held in Jerusalem in 1928; and as a result of it the International Missionary Council, which gathers representatives of all the Protestant missionary societies, has been constituted to organize Christian missionary work. At the Jerusalem gathering representatives of the young national Churches of Asia and Africa for the first time took an equal part with the representatives of countries of Europe and America. And a resolution was passed repudiating "any attempt on the part of traders or of Governments, openly or covertly, to use the missionary cause for ulterior purposes." The rights of religious missions, like the rights of religious minorities, are being withdrawn from national protections and ambitions, to be placed under the care, and maintained by the conscience, of the international society.

## CHAPTER XI

### RELIGION AND THE NEW INTERNATIONAL SOCIETY

A HEBREW prophet would have seen in the Great War the travail of the old world ushering in the birth of a new world. The war, which was the first event in human history in which the whole human race took part, marked the zenith of nationalism and the need of getting beyond it. Just as, at the end of the feudal age, an effort was made by the modern State to abolish private war which had become intolerable, so in our day, after the world struggle, a strenuous attempt is being made to abolish international war, which has become intolerable. War is a duel of nations, and no less than the duel in national society must be abolished because it threatens the existence of society. The aim is now to lay down laws *against* war rather than the laws *of* war, which were the concern of international jurists from the time of Grotius till the Hague Conferences of 1899 and 1907. War is recognized as a collapse of civilization and cannot be a means of defending it, much less a holy cause.

It is generally recognized also that we must connect political practice once more with religion and morality, and find some unity above the separate States, as was achieved, at least in theory, during the Middle Ages, on pain of the collapse of our civilization. The power of destruction is so terribly developed that another world war might throw mankind back more completely than any previous overthrow of civilization which history records. The spur of necessity, then, is added to the

impulse of idealism. We have to find the moral equivalent for war, and a better instrument of Justice.

The most striking outward expression of the new approach to the problem of peace and unity is the League of Nations, which was established at the Peace Conference of Versailles in 1919. Unlike the Holy Alliance, which was constituted after the Napoleonic Wars, the express motive of the League of Nations is not religious. There are, no doubt, two reasons for the silence about religion in the Preamble to the Covenant of the League: (1) many of the European and Asiatic States to-day are constituted on a secular principle and have abandoned all connection with a Church; and (2) the League of Nations is not confined to Christian States, but is intended to be a world union comprising the peoples of all religious denominations; and it might be difficult, if not impossible, to find an expression of the spiritual motive which would be acceptable to all. Nevertheless, while there is no mention of religion or the Church in the Preamble, it has been clear from the beginning that the moral consciousness is one of the principal forces inspiring the League. The original Preamble and the first article of the Covenant as drafted in July 1918 by Colonel House, the *Alter Ego* as it were of President Wilson, who was the author of the principles of the Covenant, ran as follows:

International civilization having proved a failure because the union has not been constructed on a fabric of law to which the nations have yielded with the same obedience and deference as individuals submit to the national law, and because public opinion has sanctioned unmoral acts relating to international affairs, it is the purpose of the States signatory of this Convention to form a League of Nations having for its purpose the maintenance throughout the world of peace, security, progress, and orderly government. It is agreed, therefore, as follows:

(1) The same standards of honour and ethics shall prevail internationally in the affairs of nations as in other matters. . . ."<sup>1</sup>

The Christian Churches have been quick to make the support of the League of Nations a fundamental part of their guidance. The Conference of the Bishops of the Anglican Community from all parts of the world, that was held in 1920 and again in 1930, emphasized the dependence of peace on the control of international relations by religious and ethical standards. It appealed to the religious leaders of all nations to give their support to the effort to promote those ideals of peace, brotherhood, and justice for which the League of Nations stands. The latter conference expressed the hope that common effort may lead to some kind of permanent association of the Christian Churches which may become the spiritual counterpart of the League of Nations. And it affirmed that war is a method of settling international disputes incompatible with the teaching and example of Jesus. After more than 1,500 years of compromise, the Church was returning to its primitive faith. Coming down to a more practical issue, it declared that, when the nations have solemnly bound themselves by treaty, covenant, or pact for the pacific settlement of international disputes, the Christian Church in every nation should refuse to countenance any war in regard to which the Government of its own country has not declared its willingness to submit the matter in dispute to arbitration.

A notable example of the religious outlook in international relations was given recently by the letter of the

<sup>1</sup> It is noteworthy that the draft of the Covenant of the League prepared by an English Committee under Lord Phillimore contained a reference to God in the clause dealing with sanctions: "If, which may *God* avert, one of the Allied States shall break the Covenant . . ."

English Council of Christian Ministers on Social Questions calling for the remission of Reparation payments and international War Debts on the ground of Christian ethics. "Our appeal is that, while there is yet time for an act of grace, those who believe in Christ should make their voices heard in a demand for cancellation by forgiveness of all Reparations and International War Debts, in the name of Jesus the Prince of Peace." (See *Manchester Guardian*, January 21, 1932.)

Attempts have already been made to give effect to the movement for the union of the Churches in the cause of international and social peace. World conferences of all the Churches other than the Roman Catholic—which still maintains its aloofness and independence—have been held at Stockholm in 1925, in Prague in 1928, and in other European capitals subsequently; and have been attended by representatives of Eastern as well as Western Christendom. The Roman Catholic Churches have held their own assemblies with a like purpose. At first the Pope was opposed to the League because the Holy See was excluded from the peace settlement, and the Pope was not recognized as the ruler of a State. In 1923, however, Pius XI indicated his willingness to co-operate with the League, and in 1926, when Spain threatened to retire from the League, he took the opportunity of declaring that he had always sought to help by preparing men spiritually for it. In the first Encyclical which he issued in 1923, he declared that any form of nationalism which was devoid of the spirit of international sympathy was, for Catholics at least, an unconscious denial of the universality of the aspirations and possibilities common to all, a denial of the spiritual need of man as a creature of intelligence and free-will. And commenting on the

League of Nations, he said: "If there is no worldly institution competent to impose upon the assembly of nations a general code of legislation, there exists a Divine institution which is in a position to safeguard the inviolability of the order of nature, namely, the Church of Christ."

Unfortunately, the statesmen who made the peace were inadequately inspired with the new ideals of the world order when they came to lay down the specific terms of territorial and economic adjustment. Those terms were calculated rather to foster the spirit of strife than to be a sure foundation of tranquillity. The national boundaries were drawn in a spirit of revenge, and the provision of Reparations in a spirit of unthinking greed. Once more "the war to end war" ended in a peace to breed wars. The harshness of the peace settlement has reacted adversely on the League. And the events of the last decade have shown that, without a common will to peace, the machinery of the League can be frustrated.

Nevertheless, the League marks, in aspiration if not in fulfilment, moral progress in international relations. The Covenant in one part contains a systematic arrangement for keeping the peace, and in another part gives expression to the ethical idea of tutelage of weaker peoples. That principle underlies the provisions with regard to the peoples of the countries detached from Turkey and the inhabitants of the former German Colonies, who are "not yet able to stand by themselves in the strenuous conditions of the modern world." Their territories have been placed under the Mandate System, in accordance with the principle that the well-being and development of their peoples form a sacred trust of civilization. These provisions have been applied in the Mandate instruments subsequently approved by the League, and are con-

trolled by the body known as the Permanent Mandates Commission, which is, as it were, the keeper of the conscience of the Mandatory Powers and the guardian of the international trust. There has been a definite advance under the system in the treatment of the weaker and backward races. Another expression of a heightened moral conscience of the nations and the application in international law of moral and religious principles is afforded by the International Labour Convention which is embodied in all the treaties of peace. The Preamble to the Convention recites:

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And Whereas conditions of labour exist involving such injustice, hardship, and privations to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease, and injury arising out of his employment, the protection of children, young persons, and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of technical education, and other measures. . . . The high contracting parties, moved by sentiments of justice and humanity, as well as by the desire to secure the peace of the world, agree . . .

An international conference was held at Washington in 1920 which applied these broad principles in a number of treaties concerning conditions of labour; and these treaties have been adopted by most countries of the world. Further, a permanent International Labour Office has been

constituted at Geneva; an annual conference is held at Geneva which is attended by representatives of the Government and of the employers and workmen in each State; and the solution of labour questions is being steadily internationalized. That is a noteworthy step towards the foundation of peace, because, as the Hebrew prophets first proclaimed to the world, and as human history has abundantly shown, peace between nations depends primarily on the establishment of justice within the nation. The motto of the organization is: *Si vis pacem cole justitiam*; and it is striking that, advancing beyond the standpoint of the political League of Nations, it contemplates uniform labour legislation for the whole world, and has already established an international Parliament for labour questions.

The movement for an international labour union goes back more than a century. In the early years of the industrial movement, Robert Owen, the creator of the English co-operative movement, laid before the Holy Alliance at Aix in 1818 a plan for international legislation to protect the worker; but he met with a chilly response. It was not till the middle of the nineteenth century, when social legislation was already developed in a number of Western States, that the movement took practical form. It was initiated by a Swiss Huguenot, Daniel Legrand, who dreamed of a Christian State in which social legislation would demonstrate to all that the Gospel is a charter of humanity. Switzerland in 1878 convened the first gathering of the seven leading industrial States for the formulation of uniform factory legislation. A band of Christian Socialists were working at that time in various countries of Europe in the cause of justice for the workmen: in England Charles Kingsley, in France Count

Albert and the Catholic De Mun, and in Germany Father Winterer and Bishop Ketler. In the same period the international socialist organization was established, largely through the efforts of two Jews who were at the head of the movement, one as writer, the other as political leader, Karl Marx and Ferdinand Lassalle. In its development it became anti-clerical, but the rock from which it was hewn was the Mosaic Law.

Then in 1891 Pope Leo XIII issued an Encyclical entitled *Rerum Novarum*, on the condition of the working classes. He asserted the principle that the labourer must not be regarded as a chattel, and the employer must respect his dignity as a man and a Christian. The workman has a right to a day of rest. "It is a sin to make men work so long that the soul is deadened and the body worn out." The Holy See authorized Catholic workmen's unions to establish relations with Protestant Unions, recognizing that in these matters the principles of a common humanity must prevail.

In 1931, in celebration of the fortieth anniversary of the Encyclical, the present Pope issued a new Encyclical—*Quadragesimo Anno*—on reconstructing the social order. In it he remarks that the new body of law is designed to ensure the respect of those sacred rights of the working man which proceed from his dignity as a man and a Christian; and he noted the agreement of the conclusions of the statesmen after the Great War with the principles and warning of Leo XIII. He called for a "Christian rationalization" which is contrasted both with the capitalistic system—"the whole economic life has become hard, cruel, and relentless in a ghastly measure"—and also with Socialism, which involves compulsion of an excessive kind, and assumes that "living

in community was instituted merely for the sake of the advantages which it brings to mankind." The Encyclical calls for "a new diffusion throughout the world of the Gospel spirit, which is a spirit of Christian moderation and universal charity."

The International Labour Office has relations with a number of religious organizations which in different countries are working for the furtherance of social justice. Noteworthy among them are (1) the International Federation of Christian Trade Unions, which has its headquarters at Utrecht, and comprises fourteen national federations and fifteen international federations; and (2) the Oecumenical Council of Practical Christianity, which is the executive body of the assembly of representatives of all the Communities (save the Roman Catholic) that was convened in Stockholm in 1925, and has founded an Institute of Social Christianity at Geneva. The International Federation of Christian Trade Unions asserts the principles of social Christianity against the Moscow Communist International. A vexed question arose some years ago in the I.L.O. as to the representation of the Dutch workmen by a delegate who was also the general secretary of the International Federation of Christian Trade Unions. The non-religious body protested; and the matter was submitted to the Permanent Court of International Justice for an advisory opinion. That tribunal recognized the regularity of the procedure of the Dutch Government. More recently it has been remarked<sup>1</sup> that there is a general tendency of the religious bodies towards convergence. "Although there may be some individual dissentients, the great religious bodies advocate changes and reforms in social and international

<sup>1</sup> See *I.L.O. Year-Book*, 1931, pp. 82 ff. Geneva, 1932.

spheres which present a striking analogy to the programme of the I.L.O."

The movement for international association has been extended to every class of the population and to every aspect of life; to persons engaged in the pursuit of science, to university students, to boy scouts, as well as to the religious bodies. The sense of world citizenship is fostered; and what was before an ideal of the religions is now becoming an accepted commonplace.

Another ideal of the religious philosophy of history, the moral government of the world according to justice, has been embodied in the machinery of the Permanent Court of International Justice which is designed for the settlement of differences between the nations by judicial methods instead of by the sword. It remains, however, to establish in the minds of the peoples and the leaders of the nations the conviction that justice must rule; and that conviction must be inculcated by the religions.

Amid the dissolution of theological dogmas, and the break-up of many of the former State religions, or their divorce from the State, the broad moral principles common to religions have acquired a new authority and are influencing the growth of a new civilization. Those dogmatic interests which were once regarded in each Church as so important and led to religious wars have been discarded. We no longer believe that the religions of other peoples are wicked and should be extirpated; and it is scarcely thinkable that people of one religion would make war on the people of another because of their difference of belief. That better understanding is due partly to the study of comparative religion, which has made men realize that there is no single fixed truth, but something true and divinely revealed in every great

faith, partly to the spirit of tolerance which education and science have spread, and partly to the adoption by all peoples of the fundamental idea of evolution. There is an impulse in science to seek for origins; the more we seek for them, the more we arrive at community of thought. It is generally realized that a world order is compatible with, and indeed can only be founded on, a great diversity of moral values, of social traditions, of religious outlooks and convictions. The new order, both political and spiritual, must be based on diversity in unity; that means, co-operation between diverse bodies, whether States or religious communities, scientific societies or leagues of youth. The idea of a world government and of a uniform law, which dominated the Middle Ages in the West, has been generally superseded, even in the ecclesiastical circles of the Roman Church, by the idea of co-operation.

Nevertheless, there are most disquieting features in the international life of our day. The spiritual principles which should be the foundations of humanity are far from being established; and by great masses of the young generation they are flouted as violently as they were by the generations which preceded the war. The States seem to fear that "when they shall say peace and safety, then sudden destruction will come upon them" (1 Thess. v. 1-3). While they pay lip-service to the principles of an international order, they continue to require life-service from their subjects for the principle of self-sufficiency, what has been called *Sacro Egoismo* of the nation. Little has been done to exorcise the demon of national sovereignty, and to cut out the roots of the idolatry of nationalism. Those roots have been fixed in the soil of Europe for four hundred years, from the

time when the prerogatives of the mediaeval Church were transferred from the whole to the parts, from the more or less unified society of Western Christendom to each of the national societies that broke away from that unity. In Imperial Rome, as we have seen, religion became nationality; in our day nationalism has become dogma and religion, and has its theology.

One of the spiritual troubles of our time is that the worship of the God-State is fostered by the teaching of national history, without taking account of the larger movements of humanity. Yet there can be no common understanding without broader historical ideas. Education about the new International Society has to follow the political fact; and education must establish a better idea of human co-operation.

There is a further peril to our civilization in that, while the conception of the new international order is slowly and painfully making its way into the hearts and minds of some Western peoples, an extraordinary intensification of national feeling is taking place in others and throughout the East. The European nations have infected Turkey, India, China, and Japan with a disease which is dangerous to international peace. Those Eastern countries whose peoples have been swayed for centuries by religious or ethical ideas have now drunk deep of the doctrines of nineteenth-century nationalism; and the religious and moral control of individual conduct and national policy has been greatly weakened just when it was most required. Nor is the danger confined only to Asia. In several European States the worship of nationalism is open and undisguised; in some it is enforced by law, and in all it commands a number of votaries. The new paganism or idolatry is copying the persecuting spirit,

if not the methods, of mediaeval Christianity. The great practical danger to peace and liberty in human society in our day lies in this religion, which makes the individual State an end in itself, and is prepared to subordinate to it the truth, morality, and justice. The religious enthusiasm of the Middle Ages is replaced by a violent fanaticism rooted in national ideas. The divine right, which passed at the Reformation from the Pope to the kings, has been transferred in our age from kings to the State. And in spite of the two-thousand-year-old teaching of the Universal God, the deity of many countries is still conceived as national. *Dieu et mon Droit* represents their standpoint. Put in another way, the saying *Vox populi vox Dei* has received the interpretation that the State is the deity.

A singular example of this intensified nationalism recently received the sanction of the highest judicial authority of the United States;<sup>1</sup> and it indicates the opposition of that nationalism to the fundamental spiritual teachings of the Christian religion. It is the more remarkable seeing that the United States were founded in order to give full opportunity for freedom of conscience and worship to dissenting Christian communities. The case concerned the application for naturalization by a Hungarian woman who was a writer and speaker on international affairs and was known to hold pacific principles. She was prepared to take the oath of allegiance to the United States, but the magistrate held that she should not be allowed to do so because of these opinions. The Naturalization Act required an intending citizen to take the oath that he would support and defend the constitution and law of the country against all enemies foreign and domestic, and bear true faith and allegiance. The

<sup>1</sup> The case is reported as: *U.S.A. v. Schwimmer* [1929, 279 U.S., p. 644].

applicant, a woman, testified that she would not take up arms personally, and she had stated in a letter that she was an uncompromising pacifist and had no sense of nationalism but only a cosmic consciousness of belonging to the human family. The Supreme Court held that she was unworthy of citizenship, and that the influence of a conscientious objector against the use of military force would be more detrimental than a refusal to bear arms.

Two of the judges of the Supreme Court (Judges Brandeis and Holmes) dissented indeed, and pointed out that it does not show a lack of attachment to the Constitution that a person looks to the abolition of war. The important principle of freedom of thought did not mean free thought for those who agree with us, but freedom for the thought that we hate. With reference to the opinion expressed by the applicant, which was deemed to bar her right to citizenship, they suggested that the Quakers had done much to make the country what it is, that many citizens agreed with these principles, and that "they did not suppose that we regretted our inability to expel them because they believe, more than some others, in the teachings of the Sermon on the Mount."

In one of the countries where the religion of nationalism is strongest there has been, indeed, a remarkable concordat of the State with the universal Church which still claims the hegemony over all Christendom. From the occupation of Rome by the Italian Government in 1870 until 1929, the Pope and the Kingdom of Italy had been theoretically in a state of war, because the Papal See regarded the occupation as a hostile aggression. A small part of the Holy City was not occupied by the Italian authorities; but remained the dominion of the Pope who, though not recognized in Italy as a territorial sovereign,

retained certain attributes of a sovereign ruler. He received and sent diplomatic representatives and addressed sovereign Powers directly. By three diplomatic instruments which were signed and ratified in June 1929 peace was made between the temporal and spiritual Powers, the territorial sovereignty of the Pope over the Vatican City was publicly recognized, the spiritual jurisdiction of the Pope in matters of family relations was confirmed, while the Pope on his side recognized the Kingdom of Italy. It was said of Pope Pius IX, in whose time the area of Papal domination was reduced to the enclave in Rome, that he had given a new application to the boast of the poet of the Imperial City, *Urbem fecisti quod prius orbis erat*.<sup>1</sup> And it might have been thought that, when his spiritual power was acknowledged, the Pope would not cling to this temporal remnant. But it was part of the mediaeval heritage to which the Papacy is attached that the City of God must be represented on earth.

At the same time the Pope declared that he wished to remain and would remain aloof from all temporal matters between other States; and to that extent he gave up his prerogative to judge in temporal affairs. The concordat sought to settle all spiritual questions between the Fascist State and the Spiritual Power; but differences have arisen with regard to education. There the issue is joined on the supremacy of the universal God of the Roman Catholic Church or the national God of the State.

In another State of Europe there is definite opposition to the international order embodied in the League of Nations; and the enthusiasm of a new religion inspires

<sup>1</sup> See above, Chapter II.

the people against the established social organization of the other countries of Europe. The new religious doctrine which has Marx as its Prophet has implanted itself in the Union of Socialist Soviet Republics, formerly the Russian Empire, and has seized on the minds of the people with a fervour comparable to that which the Christian Gospel exercised over the early Christian communities and the teachings of the Prophet over the tribes of Arabia. While it denies the existence of God, and so rejects the teaching that all men are children of one God, it finds a new basis for a common humanity in the idea that all the workers of the world are united as members of one class. And it preaches a new ethic of universal application: "from each according to his capacity; to each according to his need." What the new movement will bring forth with regard to the international relations of the Soviet Union the future alone can show; but it claims, like earlier universal creeds, to transcend nationalism. It has already almost shattered the hold of the older established religions over the heterogeneous peoples in the Soviet Union that occupy one-sixth of the world's surface, and it has been a powerful disintegrating force against the older religions among the populations of the Middle and Farther East to which it has been spread. The spiritual hold of the State Church in Russia was completely destroyed by its association with and its subordination to an autocratic Government. The new creed, revolutionary and militant, has overturned that Church, and has combined in this large area the work which was done in Europe by the Reformation and the French Revolution.

One other militant religious movement has appeared in our day, in the home of Islam; but it is definitely

national. The Wahabi Puritan revival, which originated over a hundred years ago in the "Isle of Arabia," has taken on a fresh vigour since the war, and has become the supreme political-religious force. The Wahabi Kingdom and the Union of Soviet Republics both stand outside the organized political union of the League of Nations; but they do not stand outside all the activities of the international society. The Soviet Union takes a notable part in the movement for disarmament; while the Wahabi king has shown himself sensitive of the movement for peace, which is, amongst all peoples and everywhere, the greatest human yearning of our day. And he has entered into a pact of comity with the neighbouring State of Iraq, whose king is of the family of his hereditary enemies.

Looking to the more hopeful signs—it may be said that religion, while its power within the State is generally diminished and diminishing, has been since the war one of the motives for an attempted unification of the world greater in its extent than any which the past has known. In previous ages there have been movements for the union of large sections of humanity, of Christendom, of Islam, of India, and of China; but it was not till science linked up the world by the discoveries of the eighteenth and nineteenth centuries that it was possible to conceive of a political and spiritual union of all the races and countries of humanity. That, however, is the fundamental problem and the fundamental necessity of our time; and religion, which is still the supreme spiritual influence on man, and is also the great exponent of humanitarian and universal ideas, should take a primary part in its fulfilment. Generally, religion is moving towards a co-operation of Churches and communities, which, again, is a new direction in human history.

Christendom itself is still far from having achieved that unity which is a fundamental part of its teaching; but there is abroad in the Christian Churches a manifest desire for union, more especially in the cause of peace and international co-operation. The other and larger movement of co-operation between the different universal religions has begun to take a practical form.

The tendency to world unity in the political and economic spheres is accompanied by the tendency to union in the cultural and spiritual spheres. While previously the heirs of the different cultures of mankind were in spiritual isolation from one another, there is to-day an attempt at communication and understanding of the deeper ideas embodied in their religious traditions and life. The circumstances of our time conduce to the interchange of religious ideas as of every other branch of thought. So closely is the earth knit together by the inventions of mechanical and physical science that a Puck in our day can stretch a girdle of sympathy—or antipathy—round the world. One touch of mechanism can make the whole world kin. And that emphasizes the need of spiritual contacts. Science has made the world one neighbourhood; and religion should make it one brotherhood. There is little hope for mankind till his spiritual growth is again brought into step with his material advance. Humanity has struck its tents again, and is on the march. It must march either to union or perdition.

A modern historian has pointed to the relation of science, law, and religious development at different periods of our civilization. Greek science and Roman law, two thousand years ago, coincided to form the first conception of a unified civilized world, and Stoic monism

and Jewish monotheism were the spiritual accompaniment of that conception. The foundation of modern international law three hundred years ago coincided with the foundation of modern science by Galileo, Kepler, and Harvey, and the Christian ethic of humanity, derived from the Jewish monotheism, was the spiritual accompaniment of that second conception.<sup>1</sup> In our day the extraordinary development of physical science should be accompanied by a development of international law and moral science which would bring the world to a stable unity; and its spiritual accompaniment should be the co-operation of the religions of the world in the establishment of justice and peace.

<sup>1</sup> See Marvin, *The Evolution of World Peace*, 1921.

## CHAPTER XII

### A LEAGUE OF RELIGIONS

THE English jurist, John Selden, wrote in the seventeenth century, when there was a temporary lull in the wars between England and Spain:

Though we have peace, yet it will be a great while ere things be settled; though the wind lie, yet after a storm the sea will work a great while.

That sentiment applies to the position of the world to-day, some twelve years since peace was concluded after the Great War. There is the beginning of an international order, but there is still in many aspects international chaos; while the need of international understanding and co-operation becomes continually and constantly greater. Modern invention has multiplied human contacts in endless ways, and almost destroyed the old isolation of time and space that divided the peoples and set an impassable gulf between the Far East and the West. On the other hand but little progress was made during the epoch of physical and economic linking up of the world in bringing international relations under the control of the moral law. A serious lag has been caused between modern science rapidly progressing and our stationary ethic, and that lag was the profounder cause of the tragedy of the Great War. The world problem to-day is of three dimensions—time, space, and morals. While scientists and traders have grappled, so to say, with the first two, statesmen, moralists, and religious leaders have failed to grapple with the third. Yet it is clear to all who

will see that humanity is a family of nations, and that it must work out the means whereby the affairs of its society may be administered for the benefit of the whole.

Professor Toynbee, in a pamphlet on *Britain and the Modern World Order*, has well said:

The conclusion of the whole matter seems to be this. We shall not succeed in establishing the political order which is the necessary framework for our disorganized world order unless there is a change of heart.

And he quotes the famous passage of Ezekiel:

A new heart will I give you, and a new spirit will I put within you.

It is impossible to bring order into the chaos of the post-war world without a change of the moral outlook on international problems. In the final synthesis

the spirit of world citizenship is the spirit of world religion.

"If he will not make peace, man has strength enough by his mastery over the powers of nature for internecine extermination."<sup>1</sup> Mechanism, too, has deprived war of any of its old idealism; and it is impossible to-day, if it ever was possible, to make it the instrument of a just cause. Mechanism has also made it pass beyond the control of statesmen or soldiers, so that none can tell what will be the end when the issue is joined. In that sense war is, as a modern teacher has insisted, "the Great Illusion." The more moral causes of wars of former ages have disappeared. In Europe anyhow, the nationalities which were once held down by hated foreign domination have achieved their independence, and national minorities can claim protection from the League of Nations. Lastly, now that men have come to recognize that varieties of

<sup>1</sup> P. H. Kerr, *World Problems of To-day*. Yale University Press,

religious belief are as necessary and as healthy as varieties of national culture, any justification for war as a means of establishing universal truth, such as man conceived in the past, is cut away. War cannot decide any spiritual conflicts: and there is a growing belief in "a society which should forswear war as politically unnecessary and morally abhorrent."

In these circumstances the religious bodies in all countries have a function to use their influence for peace and for international morality. The Christian leaders have recognized that the records of their Churches in the past two thousand years with regard to peace and brotherhood are not a matter for pride. The Christian religion has more often been a factor for war than for peace. Christian peoples have hated each other for the love of God. A sceptical observer has remarked that, whatever private religions, individuals, groups, or Churches may propose, public religion has always justified war. Even in the most modern times, it is said, the Church has been opposed to past wars and future wars, but not to present wars. Thomas Hardy put into the mouth of one of his characters in the *Dynasts* the bitter words:

After two thousand years of Mass  
We have got as far as poison gas.

The peril to civilization has stimulated the religious conscience. The idea is gaining ground that the religions of the world can be, and should be, mobilized against the three essential causes of war—hatred of nations, hatred of race, and hatred of class. Two ideals of the masters and founders of religion in all ages and countries have been the same, the solidarity of human-kind, and

the rule of justice in all human affairs. And the religions should concentrate on the fulfilment of these ideals. Another common understanding of our time is that religion, to be a genuine influence for humanity, must deal with nations and not only with individuals. That principle, which was recognized 2,500 years ago by the Hebrew prophets and has been maintained throughout the ages in Judaism, is now generally accepted. As modern physical science has shown that co-operation is the way of nature, so modern political science indicates that co-operation must be the way of nations. Patriotism, in the sense of exclusive patriotism, is not enough; and religion, which in the past has fed an exclusive limited loyalty, must now work everywhere to remove the pugnacities and irrationalities of man.

While the international effort of the last ten years has been mainly and excessively centred on the development of a political sanction for the enforcement of the will of the society expressed by its Council and Assembly, another avenue of approach is being explored through Churches and religious bodies. The League of Nations can only be effective to maintain peace if behind it there is the moral conviction of the peoples for justice and co-operation between nations. War must be outlawed by opinion as well as by treaty and there must be moral as well as material disarmament. And in the latest years the problem of the organization of the spiritual forces to supplement the organization of the League has been approached from various angles.

We have seen that the League has received the support of the Catholic, the Protestant, and the Orthodox branches of the Christian Church. And in recent years the heads of the Christian communities have realized the tragedy

of a divided Christendom, and the need of expressing the Church's mission in the modern world in terms of practical Christianity, dealing with the field of personal, social, and international ethics. In 1925 an assembly at Stockholm of five hundred official representatives of all the Christian communities—save the Roman Catholics, who were unwilling to participate—formed an Oecumenical Council (or Universal Christian Council for Life and Work), which aims at giving effect to this expression. The Council has four sections: the Orthodox, the Continental European, the British, and the American; and it has established for the investigation of social and international questions to which religion should bring its contribution an International Institute at Geneva.

Beyond the organization of all the Christian Churches, more comprehensive ideas have been mooted for spiritual co-operation, transcending, as the League of Nations transcends, the limits of Christendom. At the beginning of the eighteenth century Leibnitz put forward the idea of a federation of religions in which the different communities should work together for common ideals and the pacification of humanity. That idea, conceived when the separate States were physically and economically isolated, has much greater appeal and urgency to-day when the world is in those respects bound up closely as never before. The need for co-operation of all creeds has been recognized by the representative body of Anglican bishops from all parts of the world who meet in conference each decade.

The long-cherished notion of the immiscibility of the East has been exploded; and the Eastern religious communities on their side have shown a willingness to take part in world action for securing peace. For the

first time in human history it has been possible to bring together for common action the religious as well as the political associations of mankind. As it has been said: "At this stage of the world's history, the natural role of the forces of religion is to assist the cause of peace, not to threaten it."<sup>1</sup>

In 1928 a definite attempt was launched to organize the religions of the world in that cause. An American body, the Church Peace Union, founded in 1914 by Andrew Carnegie, convened to this end a gathering which established the World Conference for International Peace through Religion. The motive for the Conference is that men and women from all countries and faiths should participate on the strength of their knowledge and interest with respect to the questions which affect human brotherhood and national concord, and because of their sincere belief that religion offers a means of establishing permanent peace on earth and goodwill among men.

The preliminary conference at Geneva brought together a representative assembly of the religions—Christians, Roman Catholics, Orthodox, and Protestant, Moslems, Jews, Hindus, Buddhists, Confucianists, and Shintoists.<sup>2</sup> A second gathering was held in 1931 at Geneva; and it is proposed to hold regional conferences in Washington in 1933 and in the Near East in 1934, and so prepare for a world conference. The spokesmen at the meetings have been for the most part distinguished laymen, and

<sup>1</sup> Sir A. Salter in *The Causes of War*, 1932.

<sup>2</sup> It may be interesting in this connection to summarize in approximate figures (in millions) the distribution of the world religions. The Christians are 560 millions—270 Roman Catholics, 170 Protestants, 120 Orthodox (counting the Russians as Orthodox, which most of them are no longer). The Moslems are 220 millions; Hindus, 210; Buddhists, 130; Confucianists, many of whom are also Buddhists, 300; Shintoists, 25; and Jews, 15.

not ecclesiastics, of the Eastern and Western creeds. The specific objects of the Conference are thus defined:

- (1) To state the highest teachings of each religion on peace and the causes of war.
- (2) To devise means by which men of all religious faiths may work together to remove existing obstacles to peace; to stimulate international co-operation for peace; to secure international justice and to increase goodwill, and thus to bring about in all the world a fuller realization of the brotherhood of men.
- (3) To seek opportunities for concerted action among the adherents of all religions against the spirit of violence and the things that make for strife.

The renunciation was deliberately made of any purpose to set up a formal league of religions. But commissions have been working at the preparation of the work for the future conference.

Similar in purpose, though less catholic in composition and less concentrated on the question of international peace, is the World Conference of Autonomous Churches, which held assemblies in 1920 and 1927, and is planning another assembly for 1937. It particularly emphasizes what was a commonplace in the Middle Ages but has become, alas! a novel doctrine, that the whole Christian Church should be as one body.

Another approach has been made by a German philosopher Rudolf Otto of Marburg, who has proposed the creation of an inter-religious league which would be concerned with racial and social questions. It would be composed simply of persons of different religions who, without being in any formal way representative of their communities, would work together for better international relations. Its purpose would be to unite men of principle everywhere, so that the law of justice and the feeling of mutual responsibility may hold sway in the relations

between nations, races, and classes, and that the collective moral tasks facing humanity may be achieved through co-operation. The union would make efforts to produce a conscientious public opinion, without which the method of judicial settlement between the nations is of no avail.<sup>1</sup>

A third approach to the subject is made by those who start from the premise that the common aims of the religions, no less than the common aims of political States, should receive ordered expression in an institution with a permanent organization. The existence of the institution would foster the growth of a common spirit. As the chief feature of the League of Nations consists not in the machinery which it has set up, but rather in the conception which it has created in the minds of the civilized world that no single nation has the right to think of itself and its interests alone, at the cost of interfering with the freedom or well-being of other nations, so, it is argued, a League of Religions would tend to break down the exclusiveness and denominational jealousies of the different religious communities and to pave the way for a fuller measure of co-operation of the religious organizations in the spiritual concerns of the world.<sup>2</sup>

A definite scheme for a League was put forward a few years ago by a professor of the Collège de France, Jean Izoulet, in a book entitled *Paris, Capitale des Religions, ou La Mission d'Israël*. The title is an indication of the mixture of fantasy and reason which marks the treatment. The principal theme is that the religious communities of the world should become members of a federation in which each community would not be asked to give up its independence or doctrine in any way, but would seek a means of co-operating with the others in aims of common

<sup>1</sup> "An Inter-Religious League," *Hibbert Journal*, July 1931.

<sup>2</sup> See Kenneth Ingram, *The Church of To-morrow*. London, 1931.

concern, such as the maintenance of peace and the promotion of international and inter-racial understanding. There would be a bureau of religions, corresponding with the International Labour Office. The executive body would be a council composed of two representatives of each of the seven principal religions of the world—Christianity, Islam, Judaism, Hinduism, Buddhism, Confucianism, and Shintoism.

Under the Council a number of permanent commissions would work at specific aspects of religious co-operation. Paris is chosen as the centre of the religious league because the author, a Frenchman, conceives it as the main centre of civilization, and in particular he regards the French Revolution as a religious movement bringing to fulfilment certain of the fundamental ideas of the Reformation, and leading on inevitably to the fuller realization of the solidarity of mankind. At the same time he, a Gentile, conceives that the Jewish people must take a prominent part in the realization of the League of Religions; for they are a people of synthesis, fitted to be the mediators and conciliate the religious ideas of the East and the West. Israel is a combination of contraries. It holds most firmly to the traditions of the past and the vision of the future. It is most European and most Asiatic, the most dispersed and most concentrated of peoples: nearest to earth and most subject to heaven: at once capitalistic and socialist: enterprising and tenacious: realist and idealistic. In another fantasy he portrays the seven religions of the world as corresponding with the seven colours of the solar spectrum. They may be combined in the white light which is the Mosaic teaching of Israel.

In the introductory lecture I mentioned the book that

was written during the Great War by an English sociologist, Benchara Branford, entitled *Janus and Vesta*, which gives another vision of Israel as the mediator between East and West in spiritual matters. The author analysed the causes of the world crisis, and found them in the lack of spiritual understanding and co-operation between the nations; and he conceived that the healing of this illness should be brought about by the universities that represented the highest spiritual striving in each country. The spiritual hegemony which the Churches once exercised had passed from them, and the institutions of learning ought to take up the function. A university which is true to its essential character must be international and must be permeated by the ideal conviction of unity, having the world of man as a whole for its primary object of love and study. He proposed, therefore, that the universities of all countries should be federated, and that at the head of the federation there should be a world university which should be occupied particularly with matters of concern to all sections of mankind such as a world language, currency, and law. The Jewish people appeared to be the most fitted for this function; and so a university at Jerusalem might become an instrument for the general welfare of mankind as well as for the Jews themselves.

In the specific schemes of these two writers not a little is visionary. But there is this substance in their ideas, that the organization of the world requires some expression of its spiritual union and co-operation as of its political union and co-operation; and that in any expression of that character the Jew, as the most international of peoples and as the heir to the ideals of social and international peace based on religion, is fitted to

take a leading part. As the Chief Rabbi of the British Empire has put it:

Judaism, the mother of the peace ideal, has an indefeasible right to be heard in all religious councils for peace.<sup>1</sup>

While it is true that peace will not be obtained simply by international or inter-religious machinery, or by a federation of religions or universities, it is not less true that the popular will to peace cannot be made effective without some machinery to give it ordered and continual expression and to educate the peoples in the ethical relations of nations. The experience of the League of Nations has shown that the constitution of permanent executive bodies, the Council and the Secretariat, has given a practical reality to the organs of the International Society. That experience points to the establishment of permanent executive bodies representing the religious communities, in order to give an effective direction to their common motives. Just as the foundation before the war of the Permanent International Arbitration Tribunal, and the foundation after the war of the Permanent Court of International Justice, have promoted the cause of the judicial settlement of international disputes, and as the establishment of the Permanent Mandates Commission has given reality to the idea of an international trust for the well-being of the backward races, so, it is submitted, the foundation of an inter-religious league would give reality to the idea of the co-operation of the spiritual forces. Religion, it is said, should be the soul of the community of which the State is the body: and a union of religions likewise would be the soul of the international union of States.

<sup>1</sup> *Review of the Churches*, January 1929.

## CHAPTER XIII

### CONCLUSION

WE have now to summarize the theme of these lectures, and to consider the main principles of the influence of religions on the development of national and international life. In the early periods of history religion is the principal formative power in the development of nations from a tribal society. It first inspires certain tribes to conquest over their neighbours, and so produces a nation; the law revealed by the god of the victorious tribe becomes the way of conduct of the united tribes who are welded into a national people. Then the kings of the nation who are inspired by the national god and hold their power from him extend their conquests and so establish empires. The law for the enlarged realm is derived again from the religion of the conqueror, and the deification of the ruler knits together the peoples in a common worship. In this way religion becomes the bond of empire for the nations subdued by Egypt, Babylon, Chaldea, and Assyria. Religion, then, in antiquity doubly deserved its name, which means the binding force; for it not only attaches man to God but it attaches peoples together. It is the cement of the political life, the corner-stone in the earliest edifice of nationality and empire. And it is essentially a motive of war.

An epoch-making change in the development of human history comes when the lawgivers and prophets of the people of Israel leaped to the idea of a universal God who requires not only the righteousness of his people Israel but justice and righteousness between all nations.

They recognized a moral government of the world, and that all history is subservient to the working out of the divine purpose. They substituted the ideal of peace for the ideal of war; and in place of the idea that the king is the representative of the deity, the idea that the people of Israel were the witnesses of God and should establish the kingdom of justice on earth. Peace would follow on the establishment of that kingdom. The monotheistic conviction transformed the Jewish conception of God which had been originally national, and made it both international and ethical. The unity of God enforced the unity of man. Elsewhere philosophers conceived a universal law founded on reason and the government of humanity; but nowhere else was there a conception of a national mission for the whole people, to spread the knowledge of the universal moral law.

While the Jewish people carried abroad their mission of the kingdom of righteousness, an opposite principle influenced the imperial people which had become the masters of the civilized world in the West. With the Romans religion was associated with empire but subordinated to it. A clash between the two conceptions of the world, the universal ethic of Judaism and the universal Empire of Rome, was inevitable. The Empire won the victory in the political sphere, the religion in the individual. In the midst of that conflict there sprang out of the universalized Judaism a new teaching which originally promised salvation to the individual soul, scorned civil life, and held out love and peace as the ideals of conduct in all human relations. The new Gospel dissociated religion from national life and from political activity. In vain the Roman Empire strove to crush this non-national form of monotheism which threatened to undermine the

pagan imperialism. In the end it had to make terms with it and adopt it as an imperial creed. Henceforth the universal religious monotheism was associated with the universal empire which was now theocratic, but, like its predecessors, opposed to national independence. The forces of disintegration within the Empire, however, grew too strong, and Christianity could not counteract them. It could not, indeed, long preserve its own inner unity. Divorced from nationality, it had made a common faith and submission to a supreme spiritual head the bond of its adherents. But it is more impossible for all men to believe alike than to follow one national way of life. One of the apostles had taught that the new creed should be "all things to all men." But ecclesiastical councils, supported by the secular powers, sought to maintain the unity of the Church by a ruthless tyranny over opinion. In vain. Christendom was rent in twain; and while religion dominated the imperial power in the West, the empire dominated religion in the East.

In the West, for eight hundred years, the Church struggled to retain spiritual and temporal power over the peoples, to maintain the empire of the one Visible Catholic Church over all rulers, and to resist the rising flood of national feeling. In the struggle it was forced to depart from the fundamental pacific principles of its founders; and in order to fortify the hold of the one Christian commonwealth, it stirred up the people to war on behalf of the Church. That motive steadily weakened, while the motive of national independence and sovereignty steadily grew stronger. It at least secured a certain unity of Christendom against the incursion of Islam, and checked the anarchy of the feudal age. But it was proved once again that mankind will not submit to a universal

monarchy which does not take account of the manifold natural diversities in man.

At the Reformation the unifying authority of the Western Church was finally broken, and Christianity, which had been imperial for a thousand years, was largely nationalized. At the same time religion was no longer regarded as the binding and essential doctrine of the national States, in each of which the ruler claimed to be absolute sovereign of his territory, admitting neither religious nor temporal superior, in all causes ecclesiastical and civil supreme. Louis XIV's declaration, "I am the State," represents that outlook. The civil power has the paramount claim on the allegiance of the subject; and religion tends to become individual. Since the Reformation had dethroned the supra-national Church, Christendom groped for centuries for a moral basis of international relations. Law must be sovereign if the Pope was not; but where was the law to govern sovereign States to be found?

In sections of the community the pure teaching of Christianity dominated political conduct, as among the Quakers or Friends and the Calvinists. And the more constructive minds of jurists and statesmen made an attempt to order the relations of the nations by a law based partly on moral and religious precepts, partly on the Roman *Jus Gentium*, partly on the conception of a law of nature. They did not create so much a rule of law as standards of conduct to which the nations should conform. The prevailing political doctrine, however, in Western Europe till our day was of sovereign national States recognizing neither human superior nor moral law in their relations with each other, but pursuing with diplomacy and force their dynastic or national interests.

Instead of religion informing nationalism and spiritualizing it, nationalism informed and dominated religion and made it narrow. To look on the matter from another aspect, nationalism was itself advanced to the authority of religion. "From instinct it passed to creed and fervid prepossession, and then finally became dogma."

Turning back now to the hearth of the religions of Western civilization, we have seen that, after Christianity became imperial and tyrannical, another offshoot from the universal monotheism of the Jews emphasized in the East the idea of brotherhood. In a few momentous years the national religious movement of the Arabs became a world power. Religion was again knit in Islam with nationality, but soon transcended it, and passed to the idea of a world league of believers. It welded together the contending tribes of Arabia into a powerful military and missionary instrument of a theocracy which like Christendom should be universal. The resultant Moslem brotherhood, partly by force of arms, partly by missionary zeal, overcame paganism over a vast area, and dominated Christianity over a considerable part of Europe and Asia. The warlike instincts of Western and Eastern peoples were inflamed by the rival religious missions to establish a universal theocracy; and the struggle between them determined the evolution of European political and intellectual civilization for over five hundred years. The universal religious teaching of Islam was more successful than the universal teaching of Christianity in absorbing for a long period the national sentiment. In the Orient, and in Eastern Europe also, the Renaissance and the Reformation did not come in the fifteenth and sixteenth centuries to introduce that stirring of life which in the West fostered the revival of nationalism. It was

not till comparatively modern times that the national feeling of the peoples which adopted Islam was revived. Yet, eventually, the attempt of the religion to disregard nationality broke down in Islam as in Christendom, and brought on a violent reaction, which was accompanied by a severing of the tie between religion and the State. One gain has come with this world-wide outburst of nationalism, that it provides a common basis of the international society in the West and the East, viz. the national State and freedom of religion in a State.

In the Farther East religious teaching and ethical doctrine, inspired by the idea of one humanity, were for two thousand years instruments of peace and international tranquillity. They were seldom subordinated to imperialistic ambitions. But they were largely associated with pessimism or the belief in a static society, and so were not forces of social progress. There too, however, in modern times the spirit of nationalism, spreading from Europe, has burst the bottles of religious ethics; and the demand is for secular ideals of nationalism, democracy, and socialism.

The modern world has been delivered from the tyranny of religion over social and political life which was for long one of the great fetters on liberty. The doctrine of one universal truth, revealed by God and confided to one absolute authority, which all peoples should accept voluntarily or by force, prevailed in Christendom for a thousand years. It engendered wars and persecutions. It was shaken by the Reformation, and has finally been destroyed, by the progress of rationalism on the one hand and by the divorce of religion from empire and ultimately from the State on the other. In the modern Welfare-State, which has replaced the Church-State,

religion and government have been dissociated. In the one country where the union was maintained longest, the Russia of the Tsars, that was the successor of the Byzantine Empire, it has been completely abolished in the last years, to be succeeded, however, by the complete association of a new anti-religious creed with the State. The religion of Islam, while aiming, like Christianity, at a theocracy, did not seek to place all the peoples, but only the Moslems, under the yoke of one authority. It recognized the existence of other approaches to the one God. In our day the single authority over Moslems, the Caliph of the Prophet, has been finally repudiated. In the Far Eastern religions the conception of a universal authority over belief or conduct has never been accepted.

Most modern nations in the East and the West have adopted a systematic religious tolerance, recognizing both the right of peoples to keep their own religion and the right of the citizen within the State to follow his own religious views without disturbance. The right of religious liberty has been secured, and may be regarded as a part of the universal public law.

One notable exception to this freedom of religious opinion remains. It is part of the ardent creed of Communist Russia that any form of religious belief and observance is injurious to the State, and is to be discouraged by every kind of moral pressure. Although, then, the communist ideology and atheism are not forcibly imposed by the Communist State, the principle of freedom of conscience is not recognized, and a new universal dogma which, while it disclaims the character of a religion, is in essence religious, is inculcated in all citizens by the secular power.

Surveying the history of Western and Eastern peoples through the ages, nationality, while originally created by religion, is seen to be a permanent instinct of the human kind, and it is impossible for a universal religion to eradicate it. At the same time, religion, in the sense of the worship of some spiritual power which links men with his fellows, is a permanent instinct of the human kind; and if other beliefs fail, the peoples tend to turn their national loyalty into a religion.

In its higher aspects religion calls for peace and brotherhood between all peoples. A synthesis must be found between exclusive nationalism and universal religion. The disaster of the Great War, which resulted largely from the worship of the God-State, has tended to revive feeling in the West for the application in international life of the moral principles of religion. If the national society is to be healthy it must be conducted in accordance with ethical principles that rule the conduct of individuals, and be raised to a higher form by the recognition of international obligations. As in the national society it is generally understood that the individual well-being is dependent upon the rule of law and justice and on mutual help, so in the international society it must be grasped that the well-being of each people is dependent on the rule of law and justice between nations, and on their co-operation for the common good. It is that task of raising nationalism to a higher conception which would appear to-day to be the particular function of religion both in the East and in the West.

Religion, whether it is national as in Judaism, or non-national as in Christianity or Buddhism, must develop the humanitarian outlook, and be the spiritual foundation and motive of internationalism. In the past it

has been subordinate to the National State, ministering to its power; now it must rise above the State and minister to the international order. In the past it has been the cause of strife and war, and intensified the passions of belligerents; now it must be the basis of union and peace, and move the hearts of man, and through them of nations, towards understanding. It is in that way that the aspirations of the religions for universal brotherhood may be harmonized with the demands of the peoples for national life. As a first step to this unifying movement the religions must be at peace with one another. In the seventeenth and eighteenth centuries political liberty was introduced by the need of providing for religious differences; and it was "the residuary legatee of religious animosities." Conversely, it is to be expected that the fraternity of nations will accompany the fraternity of religions; and the co-operation of the Churches will lead on to the co-operation of the races and the peoples.

A Jewish teacher of our time, Israel Zangwill, has remarked that internationalism must be rooted in nationalism, since there cannot be a brotherhood of peoples unless there are peoples to be brothers. But it is no less true that nationalism must be directed towards internationalism, and that no nation can play its part worthily unless it recognizes the brotherhood of peoples. The precept of Moses—"And thou shalt love thy neighbour as thyself"—must be extended from the national to the international sphere.

As another modern Jewish philosopher has taught,<sup>1</sup> that precept was the basis of the Jewish outlook on the relations of peoples, and can be carried out by a nation in its relations with other nations. It is fit, then, to form

<sup>1</sup> Ahad-Haam, *Judaism and the Gospels*.

the basis of a new order. The consciousness of the inter-dependence of nations has been eloquently expressed in the Covenant of the League of Nations and the conventions derived from it, which are the most notable developments of international law in our time. What is still lacking, however, is the conviction and understanding of that inter-dependence by the mass of mankind. And religion, which, more than any other force, represents the sense of the brotherhood of man, should move the mass. The religions, working singly and together, should spiritualize the political conception of nationalism so as to make the nation, as it was in the vision of Mazzini, the link between man and God. "Humanity is the association and alliance of peoples in order to work out their mission in peace and love. To forget humanity is to suppress the aims of our labours; to cancel the nation is to suppress the instrument by which to achieve the aim." Man must move onwards through a peaceful nationalism, controlled by international law, recognizing international justice, and inspired with the consciousness of a common humanity, to the City of God.

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\* N.B.—*Recueil des Cours* refers to the series published by the Académie du Droit International at The Hague.

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